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Tuscaloosa County

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1822 Receipt Book

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Baylor & Shortridge Attorneys at

R & C

Amos Warner
vs.
M. Gehan & Alden

Verdict for deft
Rule for a new trial
on the following grounds. (To wit)
The Jury found contrary to Law and evidence

S. L. Ruy
plaintiff's atty

Rule discharged

Geo. Thomas
vs
William & James Haggard } Motion for Judgment against the Sheriff of Queen Anne County for the amount of the Judgment in this suit he having collected it and has failed to pay it over when demanded

Thos & James } Rule to show the Sheriff
vs } Entered as Special Bail
W. Tyson } Rule discharged

C. P. Bacon & In this case the Plaintiff moved
Sam'l Alden & for a Rule to set aside the case
on the docket 12th of March 1829

J. Owen Motion dismissed & rule absolute

David McGehee &
Samuel Adams vs. & In this case the defendants
P. Dearing & council moved the Court
that execution be stayed
thirty days for the purpose of obtaining a writ
of Error.

H. Shortage
Attor. for Defs. Rule discharged

Steele & In case
vs. & The defendant by his attorney files
Daniel & reasons in arrest of Judgement in this case

Tho. S. Owen
Attor. Defs.
Rule discharged

James Bibb } Covenant
vs
Nicht Perkins }

The defendant by his Counsel attained leave to except to the Opinion of the Court also a motion was made for a New trial and leave to file reasons for the same, and after the Verdict of the Jury also a motion was made to file reasons in arrest of Judgement

C. Perkins
Plf Attorney
Rule discharged

John Tindall } malicious
vs. } Prosecution
Jeremiah Pearson }

And the said defendant by his Attorney moves the Court to set aside the judgement for want of a plea entered in the Cause for irregularity and also to set aside the writ of enquiry and to be accounted to plead an issuable Plea instanter

13th March 1822

Baylor & Shortridge
Attor. for Def't

and in the above case the defendant as a further ground for setting aside said Judgment relys on affidavits filed

Baylor & Shortridge
for Def't

James Wood
vs.
Allen McClelland & Lane

Verdict for defendant
Rule for a New trial

on the following grounds to wit

1st The Jury found Contrary to the Law and Evidence

Sion L. Perry
Plaintiffs Attor

[illegible] Hutcheson &c
vs
Benjamin Sale. } Plt. set the non suit aside on S. L. Pens affidavit

Sean L. Pens
Plaintiffs Attorney

Non suit set aside this cause Reinstated

Stephen Johns &c
vs
Charles Potter. } Rule for the defendant to show cause why the non suit in this case should not be set aside

Judge Barton

Non suit set aside on payment of Cost. cause Reinstated

Acker &c
vs
Harris &c } The defendant asks leave to enter a rule on the Plaintiff to show cause why the Judgement should not be arrested upon the following grounds to wit:

M D Williams

Rule discharged

State &c
vs
Gary Gordan } The defendant by his counsel enter a rule to show cause why a new trial should not be granted reasons filed &c.

M D Williams Attor

Rule made absolute on paying the Solicitors fee —

Saml A. D. Huffman
vs
Charles McClure } The defendant asks for a rule for the Plaintiff to show cause why the Judgement should not be arrested in this case

by Judge Barton
his Attor

Bashim
vs
Kirksey } The defendant ask for a Rule for the Plaintiff to show cause why a new trial grant should not be granted

Rule discharged

Thos L Adams
Plt Atty

John Pearde for the use of } Rule upon def
Sampson McCollum } to show Cause why
vs } a new trial should
William Elliott } not be granted
Inge & Barton
Defts attorys

Rule discharg

Isaac Thompson
vs } appeal
Isaac Calhoun }
In the above cause motion was made to the
court for a reconsideration of the opinion

Petition for
Plaintiff

Jenny Lucy
vs } Ex
Henry F. Anthony } The Plaintiff in this cause
the court for to me ancer the complaint
a copy and to insist that the costs
Pltf Attorneys
Rule discharged Deft Attor

Cleveland } Rule upon the defendant to shew cause why
by } a new trial should not be granted in
Dyer } this case Inge & Barton p. q.

Rule discha

[illegible] Tracy
vs
Saml Hockett

A Rule upon the plaintiff to show cause why a new trial shall not be granted in this cause

J. Noble Dft. Att

on account of excessive Damages and because no trespass was proved &c.

Saml Hockett D C. P. & D.

Rule discharged Judgment & Rule discharged

Circuit Court September Term 1822

The State } Indictment
vs } Circuit Court
Thomas Jones } Tuscaloosa County Septr Term 1822

In this case the defendant by his Counsel moves the Court in arrest of Judgment on the ground that the offence alledged in the Indictment is not within the Statute and he moves for a new trial on the ground that the State was allowed to peremptorily challenge several Jurors peremptorily which is not allowed by Law

J. Johns Taylor dfts atty

The State } Indictment for Forgery in the Circuit Court of
vs } Tuscaloosa County at Septr Term 1822
Thos Jones

The defendant in this case moves in arrest of Judgt on the Ground that the Indictment as alledged in the Indictment is not within the Statute and he moves for a new trial on the Ground that Thomas Cumyns was peremptorily challenged by the State which is not allowed by Law

Motion in arrest of Judgt J. Johns Taylor

overruled dfts atty

[illegible] Ammel

[illegible] and William Haggard

Rule to show cause why a new
trial should not be granted.

N.D. Williams atty for dfts

Zahariah Middleton Administrator &c

vs

John Hodge Sheriff &c

Tuscaloosa September Term 1842

To John Hodge you will please take notice that I will by my attorney move for Judgment against you and your Securities at the next ensuing monday of next ~~monthly~~ Circuit Court for Tuscaloosa County for your failing to pay over a sum of money collected by you as Sheriff of this County upon and An an Execution ~~against~~ Issued from and John Wells. In favor of the Estate of Dougald McJack deceased When and when you may ~~think proper~~ attend of you think proper.

Yours respectfully

Zachariah Middleton
Administrator of D McJack dec

The State
vs
John Read } Circuit Superior Ct

The dft by his attorney moved the Court for a Rule to show cause why the Judgt shall not be annulled which was granted accordingly

Rule made in favor of Judgt overruled

Toney et alii } Motion to discharge injunction
vs } ~~Granted~~ for want of equity in
Land et alii } Bill March 13th 1843

Motion withdrawn

Lorain Morgan } In Equity
vs
David Scott & } ~~Bailey to Dissolve~~
John Clark } motion to Dissolve the injunction
on the Bill and answer
J. Owen
Sol for Scott

L. Morgan et alii } Motions to dissolve injunction
vs } two Collier & Clarke
A. M. Gordon et alii } 17th 1823

Christopher Vanmar
1 " vs
James Cain

2

Smaley Griffin
3 " vs
James Cain

George Morgan
4 " vs
Elias Davis

George Morgan
5 " vs
Elias Davis

R. L. Crawford
6 " vs
James Cain

7

V. M. Davenport
8 " vs
Grant & Davis

9 Samuel Brandon for the use of Hearn
vs
Elias Davis

James Innes
" Grant & Davis

Wm D Meem
" Grant & Davis

J. Adams
" Grant & Davis

C Perkins
" Pledger & Remsen

Sattonstall & Meem
" A & C Fairish — rejected

W Bacon
C " Fairish — rejected

Charles Peacy
C " Fairish — Rejected

G. Vannon
" Grant & Davis

Smith & C
" Fairish — Rejected

Luther Moyan Compt
vs
David et al
} In Equity

Motion to perpetuate the injunction in this case because the Equity of the Bill is admitted by the Answer
Spring Term 1823 ~ Barton & Perry Sol.

Jno Morton
vs
Leptha V Isbell
} Rule to set aside the service in this cause now prays to be set aside on payment of cost

March Term 1824

Samy Ward
vs
Salaman Stacy } Motion in arrest of Judgment
for the following cause to wit

Court

~~Bacon for Defendant~~
vs
~~Hudson and Ingles~~

~~Motion to quash the road cause on the docket — bi~~

Admr Samy Watkins dec'd
vs
Grimes Stuart } Motion for an order to sell land
Stats levied upon for want of property
to satisfy an Execution issued by a Justice of the Peace

Order granted

Same
vs
Same } Same Motion

Order granted

March Term 1824 Rules & Motions

Solomonian Rodes } Motion for a new
vs } Trial and the following
Patrick Tate } grounds (to wit):

The Court Excluded Testimony that
ought to have been received
at the ground of a Witness being interested
and giving Testimony on the Trial
on the ground that the action ought to
have been founded on an avoid Bond on the
Part of the [redacted] and on Friday the 26th
day of [redacted] Pro Tempore

for Defendant
Rule Discharged
Motion to dissolve
Injunction in this Case

Isaac Shaw by Injunction
vs
David Boyett & Norwood

6th March 1824 Atty Pro Defts

Joshua Hobbs }
vs } Motion for New Trial on this ground
Saml Taylor }

A Deposition Containing Material
evidence for the Defendant being in Court
which the Clerk informed Defts Councie was
not

Adms of J Nathins } Motion to sell Real Estate
for Ed'n } for Payment of Personal Property
Read } Sent from Justice Court to
order granted Ellis

Same vs Same Same Order

Nash admrs } Motion for a rule on Plaintiff, to
vs } give Security for costs of Suit - they
William Glover } being non-residents

William Hutchison } Motion to amend the Plaintiffs bill
in Chancery }
Joseph Noble's Representatives }

Ills [redacted] Martin
ads
Moses Kelley

Motion for new trial on these grounds

1 Surprise on the trial by the introduction of Evidence by Plf which could have been rebutted & falsified if its introduction had been suspected

2. Material testimony discovered before the trial but too late to be available

3 Material testimony lost by the unavoidable failure in executing certain Commissions for taking the same

4 The Plff being precluded from having his case continued from term to term made a general affidavit for that purpose which was overruled by his Hon forming his Council that the case had not before been continued by him on affidavit which fact he did not nor does recollect

Bartlett Parker
Defts Atty

The State
vs
Michael Blanker

Motion for a New Trial on the ground the Jury found contrary to evidence

2nd The finding of the Jury is defective as they made two findings and assessed two distinct fines on the same indictment and Trial

Dan 2 Pevey
Defendants Attorney
Rock Dickinson

Rhodes
vs
Sneed

Thursday 11th March 1824

Motion in arrest of Judgment

and the said defendant James Sneed comes and moves this Court to arrest the Judgment entered up against him in favour of the said Rhodes for the following reasons to wit

1 "Because it appears by an inspection of the record that the said judgment thus entered up was founded upon an appeal taken from a judgment rendered by a certain Isaac Patrick, who was at that time Chief Justice of the county court of Tuscaloosa in pursuance of a warrant or summons which was issued by a certain William Perries who was at that time a justice of the county at the instance of the Plaintiff Rhodes against the defendant Sneed Whereas by the Constitution of the State of Alabama and the Laws thereof, the debt or demand for which the said summons or warrant issued could could only have been sued by a justice of the Peace of the said County as the Chief justice of the County Court and when the said cause was properly cognizable before either the one or the other of them

2 because if the said William Perries as a justice of the county Court of Tuscaloosa had a legal right to issue the said summons or warrant he should have made the same returnable before him self and not before himself or some other justice of the Peace

4 because some certain place within the particular beat or bounds of the captains Company in the county aforesaid ought to have been expressed in the warrant and at which the summons or warrant should have been made returnable

6 Because as the said warrant or summons was not issued by the said Isaac Patrick under his hand and seal and made returnable before him at a certain time and place therein to be mentioned

Turn over

that he had no right by the laws of the State of Alabama to take cognizance of the same and to enter up a judgment in favour of the said Rhodes vs the said Sneed, and Lastly for other errors apparent upon the face of the record

Hume & Field
Atty for Jas Sneed

Judgment arrested

John S Young
vs
Otis Dyer

And the said complainant by his attorney moves the Court to reinstate the suit of said Young against Dyer because he has a suspended cause of action and the suit was dismissed at the instance of the defendant in the absence of his counsel

Bowman & Pickett

Lewis & Weizer
Asa Smith

Rule to show cause Jud. &c. defendant taken in the absence of Defts counsel substantial cause

Ellis Dyer atty

Rule discharged

The State
vs
Adam McClain

Motion to open the Judgment & set aside the forfeiture as per affidavit

Dias & Perry
Defendants attorney

Judgment set aside on the payment

The State
vs
William B Billiter

Motion to set aside the Judgment and to be released from the forfeiture as per affidavit

Judgment set aside

Dias & Perry
for defendant

Bird for the use of Williams

Wm McGehee

The defendant enters a rule to shew cause why the plea should not be amended and an additional plea filed —

16th March 1824

J. Owen
Defts Atto

Rule made absolute

Thursday 18th March 1824 b. Parker Sheriff.

The day a motion was made, to the court to grant a writ of error to the Circuit Court of Choctaw County for obstructing the road leading from Fort Madison towards Claiborne by erecting a fence across the same and ordered under advisement.

Thursday 17th March 1824

Brown
vs
Hudnall & Dupree

The plaintiff by his Attorney comes in and moves the Court to reinstate the cause upon the docket because he says from a misprision in the pleadings filed in the case heretofore that he ought not to have been non-prossed —

Rule discharged

A. Erwin & sons
as
Samuel Thompson

Two cases

In these two cases the defendant enters a rule on the plaintiffs to shew cause if any they have why the judgments rendered in these cases should not be opened & set aside on the affidavit of the defendant deposing that he never executed the notes in these cases and that the said deft never authorized any one to do so for him

and that the said defts never received any good or valuable considerations for said notes and for other good reasons contained in said affidavit of said defendant. — —

Baylor & Shortridge

The Judgment to be set aside & the defendant to be let in to plead the Statute of Limitations &c

Ex parte Welsh & Allen &c
vs
Haiden Perkins
} Motion for New Trial

1 Because the Jury mistook the evidence & found contrary to what was proved

1 Finding of Jury contrary to Law & Evidence

Baylor & Perkins

Peter Saunders
vs
Pumis Administrators
} Motion for a new trial

1st Because the Jury were mistaken in the manner in making up their verdict and Because the Jury found contrary to law and evidence

Baylor & Shortridge

Caldwell & Johnson
as
Barrington & Allison

In Debt

The plaintiffs in this
case move the court to set aside the non
suit against said plaintiffs on the
ground of surprise and because
it has been the practice of the courts
in this country on at least some of the
Circuits to regard the instrument of
writing declared on as a writing obli
gatory & Thereby and on Affidavits

Motion overruled

Boyd for pl

Hopper Robb
for defendant

Trial

The Plaintiff in this Cause moves
the Court for a New trial and assigns the follow
ing Reasons viz. 1. That one Hanesworth who was
a Juror upon the trial of the issue joined
between the parties in the Cause at Bar
at the present Term of this Court drove Nathl
ally different from what he did on the former
trial

2nd Surprise in the testimony given by
Hanesworth

3rd The verdict against Law and
evidence

4th Improper Conduct in the Jury in
making up their verdict

v. 11. f Perry Pro Defts

State
vs
D. L. Sexton

Motion for a New trial on the Grounds that the Verdict of the Jury was excessive & not warranted by the testimony

Mc Baylor & Bond
attorneys for Deft

Brandon's adm'x
vs
Tolar Spencer &
Marshall & Starr

Motion for a new trial on the following reasons 1st That the Judge misdirected the Jury 2nd The verdict of the Jury was contrary to the evidence & the Law

N. L. Adams attorney for Plff

Motion overruled

Hebster & Graham
vs
Rogers, Colyar & McKee

1st A motion for a new trial in this case — in that grounds — 1st because the verdict is contrary to evidence 2nd because contrary to Law 3rd because contrary to the charge 4th because the verdict is contrary to & inconsistent with the answer — 5th because the Defendants were taken by surprise in the introduction of an instrument plead by them in bar of the action and which was in the possession of the Plaintiff until after the case was sent to the jury — 6th because the Jury calculated interest on the amount claimed after they came into court — 7th because the Defendants ought to have been permitted to amend their plea which the court refused — 8th because the verdict is contrary to the Justice of the

Overruled

Motion granted

Wm. Bartlett Fisher
Dft attorney

New trial granted

Conrad Warner
vs
~~Owen Bailey~~
L. Fusilier

Trial of right Property
Motion to strike
Judgment of Supr
on the ground that the case came
into Court without the knowledge or
consent of the Plff

P. McCaskill

James Morrison
John White & Matthew D. Thomas

Motion for
a new trial on the following grounds
and for the following reasons, to wit: That the
Verdict of the jury was contrary
to the testimony & that the Court
erred in charging the jury as to
the evidence that was returned of Henry
Fusilier as by reference to the
bill of exceptions will be fully seen &
that there was different testimony
as to his return & the jury which on
trying the issue found for the
defendants & that testimony given by the
defendants was rejected & the case which ought
to have been vacated — 5th that the Plaintiff
did not prove the Writ to have been executed
in the county of Pike & on the time
it was said

Barr & Perkins
Defendants Attorneys

also that the deposition which one of the
jurors was not present when read in evidence

Moved to strike out

Williams & Crump
Motion for a new trial
New trial by Jury

Motion for a new trial
Reasons in the opp
affidavit filed

Jno L Peay
Defendants Attorney

Costs

Pay for the use of Armstrong

John Owen

Suit for a new trial. 1st Because the
verdict is contrary to evidence and the justice
of the case. 2d Because Contrary to law.
J. Owen Defts Atty
New trial granted

William Bowdo
vs
Gordon & Others

A Motion will be made in this Case that the Plaintiff show cause if any he hath why the Verdict in this Case should not be set aside & a New Trial granted.

Same
vs
Same

A Motion for a New Trial in this Case — 1st Because improper Evidence was admitted to go before the Jury — 2d Because the Verdict was contrary to Evidence & became the Verdict was Contrary to Law — 3d Because there was no Notice proved to Defendant to quit or deliver up the Premises — 4th Because there was no proof or admission of there Entry or Ouster — 5th Because there was no proof of the Defendants being served with a declaration in Ejectment — 6th Because the Court ought to have instructed the Jury that if they believed there was any Error in the Writing in the Defendants Deeds from the Sheriff &c. they should find for the Defendant — 7th Because the Jury found contrary to the Evidence in finding that the Land claimed was within the limits of the Patent &c. — 8th Because the Verdict was not proved — 9th Because the Jury found contrary to the Law & Evidence in finding that the Land claimed was within the limits of the Patent &c. — 10th Because the Verdict was contrary to the Law & Evidence — 11th Because the Verdict was contrary to the Law & Evidence — 12th Because the Verdict was contrary to the Law & Evidence — 13th Because the Verdict was contrary to the Law & Evidence — 14th Because the Verdict was contrary to the Law & Evidence — 15th Because the Verdict was contrary to the Law & Evidence — 16th Because the Verdict was contrary to the Law & Evidence — 17th Because the Verdict was contrary to the Law & Evidence — 18th Because the Verdict was contrary to the Law & Evidence — 19th Because the Verdict was contrary to the Law & Evidence — 20th Because the Verdict was contrary to the Law & Evidence — 21st Because the Verdict was contrary to the Law & Evidence — 22nd Because the Verdict was contrary to the Law & Evidence — 23rd Because the Verdict was contrary to the Law & Evidence — 24th Because the Verdict was contrary to the Law & Evidence — 25th Because the Verdict was contrary to the Law & Evidence — 26th Because the Verdict was contrary to the Law & Evidence 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Stephen Johnson
vs
Dudley and Farley

Motion for a new trial and to set aside the Judgment of the Court
Tuesday 21 1824

1. That the parties were taken by surprize
2. That the defendants do not owe the debt for reasons stated in the affidavit filed
3. That prices of the articles charged are exorbitant and more than the amount which was allowed by the Court

M & Williams atto for defd

Archibald G. McDaniel
vs
All Matters et al
new trial granted

Rule to show cause
motion to set aside the verdict on the affidavit of H I Anthony & I Perry

Hiriam Ridley
by
Charles Ray
vs

Motion for a new trial - 1st because the Court misdirected the Jury - 2nd Because the verdict was Contrary to Law - 3rd & 4th Evidence

Barton & Pickens
alls for defts

new trial granted

Wm G Glover
for use of Ballard
vs
John L Randall

Motion for a new trial 1st Because the Court misdirected the Jury - 2nd Because the Verdict was Contrary to Evidence & Law - 3rd Because the jury mistook the Testimony

Barton & Pickens
Attys for Defts

new trial granted

Israel Pickens Governor
as
Marr & Ellyson

Israel Pickens Governor
as
Marr & McClure

In these two cases the defendants in error the court to set aside the judgements final, because they have been taken by mistake, and

at an earlier day of the court than
for which the cases were set for
trial, and because the defendants
have a good and sufficient defence
to make to the cases

Baylor P. D.

March Term 1825

Jab. Fears vs George Angle } Motion against Angle by Fears for Judgement for
This, that Plaintiff in Motion has paid a large
sum of money as appears
security as will appear
in the State's Evidence
on Dept for this purpose

March 16th 1825 — Rob. McCalpin
Atty for Plff in Motion

March Term 1825

1 The State
vs
Barnabas Mitchell

Rule on Def. for Judgment against the Defendant at August Sit. Com. pleas to which the Clerk of the Indictment Court appears accepts and refuses to act and direct entries of the same presented by Sam.

2 Same
vs
Christopher Bennit
Same

3 Same
vs
William Caldwell
Same

4 Same
vs
William Hutcherson
Same

5 Same
vs
Philip Williams
Same

6 Same
vs
James Hogan
Same

7 Same
vs
Edward Davis
Same

8 Same
vs
John M. Norwood
Same

9	Same vs William Jamerson	}	Same
10	Same vs Ezzy Cobb	}	Same
11	Same vs Richard Jones	}	Same
12	Same vs Richard Inge	}	Same
13	Same vs James Hudson	}	Same
14	Same vs Humphrey Chappell	}	Same
15	Same vs John Hudson	}	Same
16	Same vs Daniel Bergen	}	Same
17	Same vs Richard Murphey	}	Same
18	Same vs William Hinton	}	Same

19	Same vs William Duncan	}	Same
20	Same vs William Cole	}	Same
21	Same vs John Snider	}	Same
22	Same vs William Brown	}	Same
23	Same vs Michael Colling	}	Same
24	Same vs Isham Bandy	}	Same
25	Same vs William McGuire	}	Same
26	Same vs Elijah South	}	Same
27	Same vs Henry Fox	}	Same
28	Same vs Zachariah Mangrum	}	Same

29	William Camp	}	Same
30	James Hendrick	}	Same
31	Nathan Humphrill	}	Same
32	Miram P. Caradine	}	Same
33	Castleton Lyon	}	Same
34	Jordan Mabery	}	Same
35	Morgan Buck	}	Same
36	John W. Prewet	}	Same
37	Thomas B. Tyree	}	Same
38	George Baker	}	Same

Same
vs
William Cypling } Same

Same
vs
Jacob Clements } Same

Same
vs
Thomas Ward } Same

Chas Phagan
alt
Lemuel Cox } And now at this Term
comes the defendant by
his attorney and moves the Court here
to set aside the Judgment heretofore
entered in this cause & the
Judgment was rendered after the
death of said Plaintiff which is
irregular & without first Registering
the death of the Plaintiff and making
his Representatives Parties to the suit &
offered to support the same
filed this 21st March 1825.

Jno Le Piper
for Defendant

Motion to dissolve the injunction in the
case of Jno M Clure and Peter A Benson
against John L Tindall administrator of
Samuel Johnston

A G McDowall } The defendants in this Case move
vs } for a new trial on the grounds
Thomas Williams } 1st That the verdict of the Jury is contrary
& al } to the evidence 2 That the Judge misdirected
The Law on the
the Jury as to the Law

Jas. W. Dering &c } Motion to dissolve the Injunction in this Case.
vs. }
Edward Smith }

Burton J. Dickens
Sol. for Deft.

Obadiah Cooper } Motion to dissolve the Injunction
vs. }
Pair }

Burton J. Dickens
Atty. for Deft.

Stephen Hays } The Defendant in this case on
against } the grounds that the Verdict was
Charles Seven } opposed to the Law and the Evidence
in the Case & That new and Material testimony
has been discovered since the trial which
the Defendant with the diligence which he has been
enable to use could not previously discover and
also that illegal testimony was admitted on the part of the Jury
Called Cattle

In the Case of A. J. McDonald against Thomas
Williams & others, the Defendants objected to the
motion for a new trial which has been entered
the overruled the same in arrest of Judgment
on the Grounds that the finding & verdict
of the Jurors was not the regularity necessary
in a corporate act and not in writing and
that the Law authorizing the agents of Big
Creek Section to dispose of the Land contained
in the Levie by lease or otherwise and to
contract the Loans therefrom arising the employing
a teacher for the instruction and education
of Children in the Levie Reading was repealed
previous to the execution of the writing on
which the action is founded 3rd That the Court
erred in refusing the note to go to the Jury it
not being sufficiently described in the Declaration
& from the record it could appear
4th That the Defendants are not bound as
a corporation for the matters & things in Issue
which might be rendered against Defendants
must be satisfied out of their individual

property of the Plaintiff the defendants could it be thought they are liable as commissioners of a different action yet they are not liable to the suit of the Plaintiff

Collier atty for defts

Should the Court overrule the motion made in this case for a new trial which is not anticipated The defendant then moves in arrest of Judgment for the following reasons 1st That the verdict of the Jury is uncertain inconclusive and such that no judgment can be rendered on which to issue execution 2nd That it is not alleged in the declaration that the amount claimed by Plaintiff was not paid to John Hudson the assignor in the note previous to notice of the assignment of said note on which this action is brought, to defendant

Collier atty for defts

Rule to show cause why Judgment should not be set aside and a new trial granted 1 on the ground of surprise 2 the discovery of new evidence 3 that verdict was contrary to law and evidence

J. Owen atty for plaintiff

Rule for security for costs

Owen & Ellis
Defts attys

Dixon & Wife and others
vs
W. Irish & Wife & Others
In equity

Rule to show cause why suit shall not be dismissed unless the Complainants give security for costs according to law

Owen & Ellis
Solrs for Plts

John McKinney
vs
Sarah McKinney
Defendant

Rule to show cause why suit be not dismissed in pursuance of an order of the last term of this Court requiring security for costs to be given on or before the present term of this Court which security has not been given as required

Anne & Baylor
Attorney for Defendant

Pitcher Wyper & Co
vs
Whitfield & Heavens
Same
adv
Same
Same
adv
Same

Motion to set aside award for irregularities which have been filed by Defts Counsel & supported by affidavits & to Plaintiffs Counsel — Baylor & Collins attorneys for Wyper & Pitcher Defts

The State of Alabama } Charge of an attempt
vs } to commit a rape
Negro Slave Phil }

Rule to Show cause why the Judgment in the above case should not be arrested first, because it is not charged in the indictment that the person on whom the attempt to commit a rape was made, was or is a free white woman, which by the Statute constituting the offence is necessary

Secondly. Because it is not charged in the bill of indictment that any attempt to commit a rape was made whereas by the Statute the word Rape is essentially necessary

Thirdly that the verdict was contrary to Law and the evidence

Fourthly that the indictment is in other respects informal and insufficient

Ormond Ellis
Defendants Attorneys

Thos Lane } Motion by William G.
vs } Glover Sheriff of Talla-
D. V. Isbell } dega to Jon Rains Clerk of
the Circuit Court of said Talladega
County to retain in their hands
money sufficient to pay them the
costs to which they are entitled
to from said Land for the costs
in the above cause determined
in this court in favour of the Defts
which costs amount to fifteen dollars
& twenty five cents which they have
in hand

B. McAllister
for Appellees Motion

October Term 1825

Christopher Vanmeter } Motion to file papers in the
John D Richardson } cause as a substitute for those
which heretofore were filed and are lost
or not to be found in the office of the Clerk
of the Court — Collier Pltff's atto =

Joseph Bullock } Motion for new trial by the
} Defendant for the following reasons
} 1st That the verdict of the jury was
against law & evidence — 2nd The Court misdirected
the jury upon a point of law — 3rd That other evi-
dence has since been discovered by Defendant on the trial
can be produced and the non-production thereof was
strictly accidental prior to the trial which last cause
affidavits are filed in the papers of said
Cause — Overruled by the Court — Collier Pltff's atto — Barton Defts atto

Silas Chandler } Motion for new trial on
} the ground that the verdict
Thomas Woody } of the jury was against
Law & Evidence — Collier Pltff's atto —

Motion discharged

Edward Richardson } qui tam action —
} Motion to discharge the Bail
} because bail required contrary to
Howell, Baldwin & al. } law — bail discharged

Chester ass'r } Motion for a new trial — 1st Because
} the Court permitted the party Plaintiff to
v. } Amend after the Cause was submitted
Davis } to the jury — 2nd

James Neal } Trespass
John D. Hunter } Motion for new trial on the ground
that the jury found a verdict against Law
and evidence — Carlin & Ellis for Pltff

Rule discharged

Robt M. McLaughlin
vs
William McGhee

Motion by plaintiff for a new trial on the ground, that the Jury did not find as much for the plaintiff as the evidence would have authorized. October 20th 1825.

Motion discharged

R. C. McAlpin & J. L. C. Perry Attys for Plff

Anderson & others
vs
Longmire

motion by the defendant to dismiss this suit for want of security for costs.

Brown & Ellis Defts attys

Dixon and wife and others
vs
Dixon & Wife and others

In Equity

motion to dismiss the suit for want of security for costs

Continued till next term

Brown & Ellis Sol.rs for Defendants

William Walker for the use of Robt McCulloch
vs
Washington Brown

Reasons in arrest of Judgment - that the Plaintiff Walker died before the Judgment was taken - and it does not appear that any person has made himself a party to the suit as executor or administrator for the plaintiff

W. D. Williams atty for Def.d

March Term 1826

State
vs
Jno. L. Robertson

Motion for a new trial the cause the Jury found contrary to the law & evidence
2 because the fine was excessive & unconscionable
Let Defts have a new trial

R. B. M.Alpin
Defts atty

H. W. Ellis
vs
A. Nash & Glover

Motion to set aside the nonsuit ordered in the cause
Because the plaintiff has a good cause of action against the Defts

R. B. M.Alpin
Defts atty

motion granted

Webster & Smith
vs
Mann & Perkins

motion for the court to vacate the judgment of nonsuit entered in the above cause and to award the same

Colvin Plffs atty

Roscinko County Court
Aquilla Chadwell

motion to Court to set aside the nonsuit suffered in this case

Colvin Plffs atty

John Cusky
vs
William P Brown — The defendant, in this cause
+ that some of the Jurors are dissatisfied with
the verdict — owing to a mistake in the evidence

Lin & Perry
defts atty —

Motion discharged

John L Purdy
vs
Blackburne & Harris

The Defts, moves for a new
trial on the following grounds — 1 That
he believes he can prove the character of the Plff
to be worthless — and that untill the trial he did
not know the materiality of the proof of this
fact — 2 That the damages are excessive

Lin, Lud Perry

Oct Term 1826

Barmyer
adsg
Findley

A motion will be made on the
sixth day of this term or some
day thereafter to quash an
exon Retto to the present Term of this court
for Objections appearing on the face of said Exon
10th day of October Term 1826 Northrop & Ellis
Findley Atty

Motion overruled

Kenneth Findley
vs
Jas Stpr
Matthews

Exception against the bail
put in in this cause
Avery & Ellis Pltf's

Daniel
vs
Kenneth Findley

Motion for new trial
for the cause ind in the
instruction given to the jury — 2nd the finding
found contrary to Law — 3 contrary to evidence
Ellis Jr Pltf Atty

Motion overruled.

Chs A. Batre'
vs
Jas. Childress.

Motion for a new trial.
The plaintiff move for a new trial
on the following grounds. viz.
1st because the jury found contrary to the evidence.
2d because the plaintiff were surprised by a witness of defen=
=dant testifying differently from his evidence given at the
former trial of this cause
3d. because new and very material evidence has been
discovered by the counsel of the plaintiff which

was unknown to them at the time of the trial, the effect of which is to prove pltffs demand, and also to disprove a fact as testified by the witness of defdt.

Which Motion will be supported by affidavits.

E. N. Stewart &
A. Minor. Pltffs attys

octob 11. 1826.

Notice in writing & copy of reasons given to Pltffs counsel this 11. octob 1826. E. N. S.

Peter Donaldson
vs
Daniel Dougherty

In this cause the Defendant moves to set aside the judgment because the Plaintiff has refused to allow certain sets off, in pursuance to agreement, as will more fully appear by the affidavit of the Defendant

Wm H Goetz
Atty for Defdt.

Hardin Perkins
vs
Goodman & Griffin

In Trespass
The plaintiff in this cause moves to set aside the order of non suit entered herein & have his his cause reinstated upon the docket, because that when he caused the Sheriff to call his witness Richard Brown was called among the rest & it was said he answered - but upon trial he did not appear, whereupon because of his materiality the non suit had to be suffered - all which will more fully appear by affidavit

Thornton & Ellis
for

The non suit set aside Perkins to pay the cost of his own witness at this Term

Edmond Gilcreas } Motion to set aside
vs } judgment by Default
John Hustace of D.W. Cobb & Co } in this Cause on affidavits of
Motion granted upon proof } 14th Oct. 1826
of Due Service of the Rule } Collier + Perry attys
} for Plff.

Same } Motion to set aside judgment
vs } by default in this Cause on
Same } affidavits of 14th Oct. 1826.
14th Oct. } Collier + Perry attys
Motion granted upon proof } for Plff.
of Service

Brown } Motion to dissolve the Injunc-
vs } tion in this Cause, on Answer
Hedges } 14th Oct. 1826 H.W. Collier atty
} for Plff

Green Parkins & Mears } Motion to dissolve
as in Chancery } the injunction in this
Egra Patch } Cause on answer
} Collier atty for Plff
Same } Motion to dissolve the
vs } Injunction in this Cause
Talbot Jones & Co } on Answer - 14th Oct.
1826 } Collier atty for Plff

Benj. Ruffin } Motion for new Trial
D.B. Wright } 1st. The Jury found contrary to the
Instructions of the court. 2nd contrary to Law
3rd Contrary to Evidence
11th Oct. 1826 } 8th Oct. 1826
Motion granted

Wm Bliss }
A.J. Matthews } The Defendant in this Cause
moves that the Verdict be set aside & a new
trial awarded because - The Verdict was contrary
to the Law & the evidence & the Damages were
excessive
Burton for Deft

16th Oct. 1826. Received due notice of the above motion
H.W. Collier atty
for Plff
Motion denied

The State
vs
Clabourn Harris } The defendant in this cause moves for a new Trial because the fine imposed by the Jury was excessive
Motion overruled } Sir L Parry for deft

Clabourn Harris
vs
John M Campbell } Motion to discharge certain bail on by an execution issued by a Justice of the Peace

Sir L Parry

Rufus Wright } bail } In this cause the deft by his counsel moves to arrest the Judgt rendered in the cause - on the ground that the Pltff have shewn no legal cause of action in their Decln 15th Oct 1827

Ellis
Charlton

Perkins } Supersedeas
Lancaster } Motion to dismiss the supersedeas in this cause upon the matter of the petition

Ellis
Rose for Lancaster

Fi fa
Charles Lemen

Same as Fi fa
Same
Code

} The said Charles Lemen moves the Court to quash the said writs of Fieri facias in these cases

Collier for Lemen

Abraham Hart } The said Charles Lemen
as Fi fa of } moves the Court to quash
Charles Lemen } the fieri facias in this case

Collier for Lemen

Wm Crawford } The said Charles Lemen
vs } moves the Court to quash
Charles Lemen } the writs of fieri facias in this Case

Collier for Lemen

J. D. Hamilton
vs
Daniel Boon

The said J. D. Hamilton moves the Court for an order to sell real estate, viz the West ½ of the N.W. ¼ of Sec 10 Town 18. & Range 10 West, which an execution from a justice of the peace of Tuscaloosa County has been levied on the property of said Daniel Boon at the suit of said J. D. Hamilton - 18th October 1826

H. C. Collier atty for Hamilton

Continued until next term

John L Tindall
vs
Daniel Boon

The said John L Tindall moves the Court for an order to sell real estate viz the West ½ of the N.W. ¼ of Sec 10. Town 18 Range 10 West which an execution from a justice of the peace of Tuscaloosa County has been levied on as the property of said Daniel Boon at the suit of said John L Tindall 18th October 1826

Continued until next Term

H. C. Collier atty for Hamilton

The State
vs
James Moore

The said defendant moves the Court to grant unto him a new trial in this cause for reasons contained in his affidavit and amendment thereto filed

This motion the Court refused to grant

for the reasons charged in the indictment to have been committed by said defendant against William Moore, the prosecutor and for

Collier & Jones Counsel

Pilcher & Gentry
vs
Daniel Boon
Lewis Boon

The plaintiffs move the Court for an order to sell the West half of the South East quarter of Section 10. Township 17. and Range 10 West. Levied on as the property of Daniel Boon one of the Defendants by a constable in obedience to an execution issued by a justice of the peace at the suit of the Plaintiffs

H. C. Collier

Motion granted

Continued

State }
vs } In this case the defft. moves the court
James Potts } for a new trial on the grounds of excessive
damages, surprise, and a want of testimony on
the trial which had been postponed,
Motion overruled. Baylor & Atkinson
Wm McClure } P.L.
vs
Edmund P. Bacon } Wm Hall

Order Entered
Mod

Elias L Payne } Motion to set
vs } aside the judge-
Brooks & Anthony } ment in this case
on the ground, that the
judgment being on a note
sought not to have been entered
up because no execution has
been issued against the
principals and it not returned
Mont Pool

John L Purdy } Motion to set aside
by } the nonsuit or on
Claiborne Harris } the affidavits of the Plaintiff it
would appear that he was surprised
and being deprived of the benefit
of Said testimony, could not
go to trial. Boyce

Claiborne Harris } Motion for a
by } new trial on
John L Purdy } the grounds set forth in
the above motion

Boyce

Parker } Motion for new Trial on the ground
Pitts } 3 found a verdict contrary to the
evidence adduced

Pitts & Ellis for Defts

State
vs
James H. Coburn

A motion will be made to the court to direct that the clerk be directed to apply money now in his hands to the payment of the fine and costs due from said Coburn.

March Term 1827

N. H. Ballou adm & Higgins Whitmore adm
vs
Hayden Perkins
Thomas Cummings
Benj. C. Nuttman
} Motion for a judgment against the said Perkins, Cummings & Nuttman on their bond of which motion, notice has been duly given

Collier for Ballou adm &c

Motion granted

Benjamin Williams guardian &c
vs
Robert L. Bayford & Matilda Patrick
} The Plaintiff by his attorney moves the Court for a new trial 1st on the ground that the verdict of the jury is contrary to the Law and the evidence 2nd the discovery of new material evidence the substance of which in an affidavit will be offered

Collier & Perry } for Plff
Motion overruled

~~P A Fisher~~
~~vs~~
~~Josephus Whitlock~~
~~} Motion to dispose the injunction on the answer of the~~

J Whitlock
vs
P A Fisher
} in Chancery } Motion to dispose of the injunctions on the answer of the Defts as filed with the papers in said cause

Clerk

Duff
Long } Motion to set aside
award returned by
Arbitrators for reasons
to Defts Counsel

S & Ellis
C Dept

[redacted] Motion granted

[redacted]

Pitcher & Garner
vs
Daniel Boone
Squire Boone } for an order
Motion to sell the
½ of N ½ of
10 Township 18 R
joined one by the
Note for work of
17 March property
ordered to be sold motion granted

Pacific

John A Irish
ads
Thomas McDavenport } Motion for
new trial
cause for
Davenport

Irish moves for a new trial in this
upon the following grounds
First. The finding of the Jury is
to Evidence
Secondly against the Law.
Thirdly – the court ejected evidence
offered by [redacted] upon the
ad point of the bad character
Pipes daughter
Fourthly. The damages found by
Jury are enormous & excessive
Fifthly – The Deft was surprised
the trial, from the absence of
Griffin & others who had been
present and thought to be in attend
– & affidavits or one at least
be submitted on this ground
Deft on the ground of surprise
Shortridge & Ellis for
S & Ellis

Samuel Thompson
vs
Irwin and Sons } In debt in two cases

The Defendant Saml Thompson moves for a new trial in this cause on the following grounds

First. The Jury have found against Evidence

Secondly against Law

Thirdly — The Judge misdirected the Jury upon several points of Law but more particularly where they were charged by him, that if a mistake as to the date of the note existed it could not be taken advantage of by defendant under the plea of non est factum

Motion discharged

Lowndes & Ellis for Thompson —

I D Harrison
vs
Daniel Boon } The said I D Harrison moves the court for an order to sell real estate viz the West ½ of the N.W. ¼ of Sec 10 Towns 18 & range 10 West which an execution from a Justice of the Peace of Tuskaloosa county has been levied on as the property of said Daniel Boon at the suit of said I D Harrison 18th October 1826.

H W Collier atto for Harrison —

Cont'd from October term 1826

No Sale to be made

John L Tindall vs Daniel Boon

The said John L Tindall moves the court for an order to sell real estate viz. the West ½ of the N.W ¼ of Section 10 Town 18 & range 10 West which an execution from a Justice of the Peace of Tuskaloosa County has been levied on as the property of said Daniel Boon at the suit of said John L Tindall 18th October 1826.

His motion granted. H W Collier atto for
Cert to go from October term 1826 Harrison —

The State to Jeremiah Murphy

Motion to arrest the judgment 1st Because it does not appear that the witnesses before whom the grand jury or that they were sworn in open Court —

2nd The Indictment was not endorsed on the indictment —

3rd The indictment is for an offence not made such by Statute & it purports to be against the form of the Statute —

4th The defendant is not liable under the indictment

5th The motion to quash ought to have been sustained

Motion discharged. Jno Barton Dept: atty:

Patrick Scott vs Col: Rhodes

Motion to dissolve the injunction for want of Equity in the Bill & also for account & defendants answer. —

Jno Barton
Dept: atty:

Motion over ruled

Joshua B Leavens vs Joseph Bullock

The defendant in this Cause moves for a new trial on the grounds 1st The verdict of the jury is Contrary to Law & Evidence 2nd The Court misdirected the jury upon a material point of law 3rd The Court admitted evidence offered by the plaintiff which was not admissible and which has Calculated to influence the jury in their verdict at the Law Defendant

Rule by consent

Barton & Collier for Defts —

Frank Hodge } The Plaintiff moves
vs } for a new Trial on
E. Mundorff } the following grounds
1st That the Court misdirected the
jury on a material point of
law - 2nd The verdict of the
jury contrary to law and evidence
3rd The Plaintiff may be prejudiced
by proof as to the indorsement
date of the bond declared on

Rule to show cause — Collier for Pltff

Robinson & Davenport vs Stone & Wife & C
W/ Summons Dated 24. 27 –
Motion to quash the attachment
N. Mitchell Att'y for
J. Davis the Pres Bank

State of Alabama } Dec 9th 1837 –
Tuscaloosa county } Circuit Court
October term 1837
The Attorney General for the State
of Alabama who is the attorney for
the President & Directors of the Bank
of the State of Alabama

Come now the Court now
in session on the third day of the term for Judgments in favour
of the President & Directors of the Bank
of the State of Alabama against the
following persons who have been
notified thirty days at least before the
commencement of the present term that
motions would be made for judgments
against them in favour of said Bank
to wit,

The President & Directors of the
Bank of the State of Alabama

vs

Richard Clark &
Wade Gayle
Same

vs

Davenport Graves
Henry Avery
Isaac McElroy
Same

vs

Davenport Graves
Henry Avery
Isaac McElroy

Same
vs
John Boyce
John Botton
Abner Franklin &
Paul R. Widdleman

Same
vs
Willoughby Barton – Diego McBoy – Saml. H. Garrow

Same
vs
~~H. D. Bonham~~
Diego McBoy & Samuel J. Scott trading under the firm of Boyce & Scott

Same
vs
Samuel H. Garrow – Diego McBoy & William D. Stone

Same
vs
Littleberry W. Mason, Wm. J. McNeal and William Mason

Same
vs
Joseph Sawyer, Abram Rose, Wm. J. McNeall

Same
vs
John W. Wilson, Wm. Barton, Benjamin Barton and James Beckley

Same
vs
John Dudley, Charles R. Hamlet, Blanton McCalpin

Same
vs
John Baldwin, James M. Powell

Same
vs
George W. Higgins, James McMillan, John McNary

Same
vs
Sherwood Dolley, Jr. & Anderson Robertson

Same
vs
Peter Walker, John F. Forrest, William B. Duncan

Same
vs
William Hemrig, Henry Scales, Daniel B. Turner

Same
vs
William A. Foote, Charles Hicks, Albert L. Macklin, John Hu

Same
vs
Stephen Heard, Micajah Vaughan, Thomas D. Crabb

Same
vs
Joseph Cleft, James B. Graham, James Anderson

Same
vs
Isaac Alford, Robert A. Hight, Granville Burnett

Same
vs
Absalom Gary, Thomas W. Gary, Marvel Gary

Same
vs
Edward H. Herbert, John Herbert & Nathan Cook

Same
vs
John Cinmore, Heinbuck Bonz, James Files

Same
vs
William McConnell, Thomas McConnell, Richard Hopkins, John M

Same
vs
William McConnell, Wm McConnell, Richard Hopkins, John M

Same
vs
Fred. Files Nicholson, Isaac W. Nicholson, Josiah Nicholson

Same
vs
C. C. 9th 1829.

C. Perkins
Attorney for President
and Directors of the Bank
of the State of Alabama

The President & Directors of the Bank of the State of Alabama will by their Attorney move the court now in session for a judgment against Benjamin Bradshaw, ~~Peter K Higgins & John~~ Ashcraft & John K Higgins

Oct. 11th 1827

~~October 11th 1827~~

C. Perkins attorney for the President and Directors of the President and Directors of the Bank of the State of Alabama

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William May
Jacob Odam
& others

} motion for a new trial
this the grounds that the
Verdict is contrary to Law and evidence
2nd that it is contrary to the charge of the
Court

10th Octo: 1827

Cobber atty for Defts
overruled

N & Bolls adm
Higgin Whitmore & Co
vs
Hardin Perkins
Thomas Cummings &c

} The plaintiffs move
to amend the judge-
ment rendered at the
last term of this
Court in this case so that judgment
be for the Costs which accrued on the
trial of the right of property between
said plaintiffs and P C Buttman, whose
property the said defendants were

10th Octo: 1827

Cobber atty for Pltfs
Granted

Rugs. Ex. } On this case the Garnishee will
Lincon Bean } move to set aside the judgment
& Garnishee } against him in favour of the Pltfs—

This motion will be predicated upon affidavits

11th Oct 1827

Shortridge & Elles
Attys for Bean

Judgt set aside by consent

William Coon
vs
William R. Pliss

In this cause the Plaintiffs moves for a New Trial on the ground that he was taken by Surprise on said trial - as is shewn in certain affidavits which are submitted to Defendant attorneys -

overruled

Jno. W. Barton
Atty. for Pltf.

Wheelock
vs
Thorn
Faber

Motion to dissolve the injunction on the answer of Faber as filed.

Refused

Jno. W. Barton
Atty. for Pltf.

Burns
vs
Nolan

Deft moves for a new trial on the ground that he has a just defence against the claim, as he will shew by affidavits

Leave

Lemuel Brandon
vs
Edward Cunningham

The claimants in this case move for a new trial for the following reasons - 1st The direction of the Jury was contrary to Law 2nd The verdict was contrary to the law & evidence 3rd The Jury misconceived the law in point of Law - 3rd That the witness did not disclose every material fact in their possession relative because they did not know it was necessary for them to do so, which affidavits submitted will shew 4th Injustice done by Collier atty. for claimants has been done by the verdict

Granted

October Term 1827—

Rhodes vs Shelton — upon Confirmation
In this cause another rule will be made to dispose the Cause then upon bill and answer.

Le the Baron Esq
13th Oct 1827

Shortridge & Ellis
Sol for
Shelton

State vs Webb & Vickey — In this prosecution the defts move the Court for a new Trial upon the following grounds viz the Jury found Contrary to Law, 2d contrary to evidence 3rd Damages as to both Defts excessive — Shortridge & Ellis

In the above cause Vickey moves also for himself separately & in addition to the above grounds relies upon the affidavit of Le the Webb, which will then be produced. Shor & Ellis for Def

New Trial as to Vickey only on payment of costs

Overton vs Harris — Exr from Justices court
Motion to sell real estate for want of personal property — granted
Sol & for Plff

Wm Nichols vs Wm H Bliss — Motion to sell real property for want of personal property upon 3 days from Justices Court granted
Sol & for plff

Thos M Davenport vs Gamage & Cochrane — motion for Judgment against H P Cahoon & Sheriff of Tuscaloosa County for failing to make money on an execution in favour of P. Gamage against John Hill
Granted Sol Ellis for Plff.

March Term 1828

15 Motion refused — Sarah Spiller / John Nodyn — Motion to discharge the bail taken in this cause because there is no order made by any person legally authorized to make the same requiring the Defts to be held to Bail.

March 3rd 1828 — Shortridge & Selby, Defts Attys

15 Motion refused — Richard Holley for use &c / Edward Williams — Motion to discharge the Bail in this cause because there was no security for cost given as the Stat in such cases requires

3rd March 1828 — Shortridge & Selby, Jack, Defts Attys

15 Motion withdrawn — George Berry / A. B. Thomas — Defts by attorney moved the court to quash the proceedings of the justices of the peace for irregularity on the part of the justice in rendering up judgment

Jack D.A.

15 Motion withdrawn — James vs Jones — James Motion withdrawn

Jack

15 Nonsuit set aside on payment of costs of the action & leave granted Plff to amend declr. — Ezekiel Fuller &c vs Hannah Long &c — is 3 Saturday morning 8th March 1828

On this case the atty for the Plaintiff, moves to set aside the non suit, on the ground, that the writ should have been amended as in justice the case had not been put to the jury. Def Not the cause of action is not one begun.

3d That in this case a judgment by default has been suffered to go against the defendant for want of a plea, when in fact there was a meritorious defence.

St. Louis City No. 2nd

Merrit
Noisworthy & Stevens

The Defts move for a new trial
Because the court misinstructed the jury
Because the jury found contrary to law & evidence
Because the damages is excessive
Because the damages is excessive
& on the ground of newly discovered testimony upon which last ground affidavits will be submitted

Motion refused Pltff having remitted $300.

Shoridge & Ellis
Pro se

The State
vs
Franklin & Broadnax

The defendant moves for a new trial because the jury found contrary to law and evidence

Argument Ready for you

15 New trial granted on payment of costs

H. S. Cockrum
vs
John Hesford

The defendants in this case moves the Court for a new trial on the following grounds 1st The verdict of the jury is contrary to the law and evidence - 2nd The defendant was surprised by the testimony of George Roberts, Thomas Ivy & Claiborne Harris & to their testimony they used mistaken in the evidence given by them, & subsequently produced affidavits & documentary proof to shew that great injustice has been done the defendant by the verdict of the Jury in which affidavits - 4th The Defendant has discovered since the trial new and important evidence

11th March 1828

P. W. Cottier for Defts

15 New trial granted on payment of cost.

State
v.
Wm G. Myres

Larceny

The defe moves for a new trial
Because the verdict of the jury is
not warranted either by the law or fact
in evidence

Dft Atto

15 motion cont'd

Abram Hart
v.
Thos Cannings
Enoch Elliott

Motion for an award of
exon upon above cannings
bond to be made on
the 22nd March 1828.

Hon Eller
Atto for Hart

15 Motion granted no affidavit being filed.

Stone adm
v.
Pitcher & Marr

In this case the finding of the
jury being less than sixty dol
the verdict, and in arrest of the judgt under
the stat on that account having
15. Motion refused pltff filed an affidavit

Shortridge & Ellis
Attys for Defts

15 New trial granted on payment of costs motion to be void by the testimony on the trial — new trial refused

Joseph Eddings
v.
Turner Hammit

Motion for a New Trial, on the ground
1st That the verdict is against Law & Evidence
2nd That the Court admitted illegal testimo
on the trial of said Cause - 3rd That the verdict does not dete
mine the points in Controversy between the parties, as shown
4th The jury should not have given damages

Barton & Shortridge & Ellis
attys for Defendant

15 motion granted

Edward Davis
v.
A. W. Graham

Motion to set aside the Nonsuit ordered
in this Case, on affidavits to be exhibited
to the Court.

Wm Barton
Pltffs atty

15 motion granted

Abram Griffin use
v.
M. A. Berry

Motion to set aside the
Judgt entered for want of
a declr upon affidavits

Short & Elly
Defts Attys

Pitchlin Wyzer & Co
by
Peter A Remson

The plaintiff in this cause moves for a set aside the non suit in this case, on affidavits to be submitted to the court & also for surprize at the trial.

P. M. Wilson

Robertson & Bonnell
by
James Chisholm

The deft in this cause will move for a new trial in this case on the ground of a mistake made by the Jury in allowing depts to the deft & on affidavits submitted by the deft. 12th March 1828.

P. M. Wilson

The deft in the above case will also move, if a new trial be not granted, that the pltffs be taxed with the entire cost of subpoenaing & attendance of the deft, witnesses.

P. M. Wilson

Murphy
vs
Nashworthy

The defendant in this cause moved for a new trial upon the grounds that the finding of this jury was contrary to law and evidence.

Aaron Ready
Atty for deft

The defendant in the above named cause, to wit, Murphy vs Nasworthy, demands a new trial upon the grounds also of the discovery of new testimony

Ready for argument

Fontaine & Battle
by
Cates
Attys for Pltff

The said Fontaine & Battle move the Court for an order to sell the East half of the W 1/2 sec 34 Town 20 Range 11 West in Marion County Dist Levied on by a Constable as the property of Collier & Co

15 Edward Sims et al
Motion by
withdrawn Thos Gayou

The plaintiff in this
suit will move the
Court to exclude from taxation as the
.. bill of costs, the attendance of such
witnesses as were not sworn on the trial
17th March 1862

Ezekiel W. Howell
vs
Mary A. Hall

The defendant moves for a new
trial in this cause, assigns
the following reasons
1st Because the Court erred in admitting
2nd Because the Court erred in the charge
3rd Because the Court erred in refusing
4th Because the verdict is contrary to the
plff is entitled to judgment
5th Because the plff is entitled to recover
6th On the ground of newly discovered evidence

David Stewart
Atty for deft

15
Motion
granted
on payment
of costs

The Pagett Court of Jackson

by
James Paul

The said Plaintiff
moves the
Court to set
aside the verdict rendered in the cause
and for a new trial

Collier for Pltff

Geo. Davis use of Purse
vs
Harris & Williamson
} motion for order to sell real Estate levied on by a constable
Feb'k

W. Blyth
vs
Harris & Murphy
} Same motion
Feb'k

David McGee
vs
Wm R. Harris
} Same motion
Feb'k

George Durham
vs
Wm R. Harris
} Same motion
Feb'k

15 A motion will be made to regain the sheriff to pay motion over the amt of money due upon an exn from a justice of the peace upon which an order was made by the court in favor of Wm Owen subjecting the N.E. quarter sec 10 Town 24 Range 2 East to the payt of the same which was a paramount lien to Harris & Nichols - said land having been sold by the sheriff upon an exn from the circuit court in favor of William Owen and notice given to retain the money

Shortridge & Sellers
Atty for Harris

Sep Term 1828

Michael Collins use of
& B Leavins
adg Error from Lee Co
Benjamin Pounds &
Benjamin Williams &
Williams Comp. County

The defendants in
error in this case
will on the 6th day
of the present term or so soon thereafter as
Motion can be heard, move the court for
the affirmance of the judgment of the court
of Tuscaloosa County on the certificate
of the clerk of said court

Dodd & Wilson

Samuel B Rigus
vs
Rambet Crowder &
Henry Russell

The plaintiff by his
attorney will move the court for order to
sell real estate levied on by a constable
by virtue of an execution issued by Justice
of the peace

Dodd & Wilson

Daniel Rogers
vs
Robert Mayfield &
Samuel Mayfield

Same motion as last
above

Dodd & Wilson

Thompson Windham
Edward Elliott Exrs
by
Thomas Cummins
Thomas Emanuel &
Jeremiah Mayfield

Motion to sell real
estate of sd
levied on by constable
on Justices Execution

Dodd & Wilson

Robert Mein & Co
vs
Charles Baker

Motion to sell land seized by Constable by virtue of execution issued by Justice
Jack & Wilson

Same
vs
Same

Same order as above
Jack & Wilson

D. Rogers
vs
Mayfield & Mayfield

Same motion

Robert Cargill
vs
James Baker & Joseph Baker

The plaintiff will on the fourth day of the present term, move the Court to set aside the nonsuit entered in this cause at the last term of this court, on the ground that the plaintiff had an appeal being taken from the Judgment of the Justice of the peace
Jack & Wilson

James Childress
vs
John Cummins

In Equity
Motion will be made to dissolve the injunction under the Statute
Jack & Wilson

Plaintiff to answer
by
Nov. 1st
Alston Bryant

The Defts. move for a mutual account
1st He was prejudiced by the rejection of his depositions 2d the bill of defendants of a meritorious defence 3d the merits of the case & evidence
Caldwell & Wilson

The Treasurer & Directors
of the Bank of the
State of Alabama
vs
Benjamin Barker
& Wife Marengo County

Motion for judg
& grant of the
against the Defts
pearing & charge
of Marengo County
to return or grant

Same
vs
John Harris & Wife
Montgomery County

Same Motion

Fontaine & Battle
vs
Hodge Mack, Robt Mayfield
& Saunders Mayfield

Motion for
an order
all the East half of the NE¼ of
section 33. Town 20

Order granted

George Starr
vs
Robt & Saunders
Mayfield

Motion to make
Estate liable
by a constable

Parker & Baker

Same motion

Jack & Wilson

Same
vs
Robt Mayfield

Same motion

Wm & Mc Donald use of Smith
vs
Campbell & Cummins

Same motion

Charles G Belcher & ors
vs
Robt Mayfield
} Same motion

Jack & Wilson.

The court will be moved to instruct the clerk, jury to tax the costs in the case of the State against Wm J. Glover. Jack & Wilson.

Peter Donaldson &
vs
Francis Daugherty
} Motion for a new trial. First the finding of the jury was contrary to the evidence. 2. The jury were misled as to the law. 3rd other important testimony can be added which could not be done before

Jack & Wilson

Belcher Wyatt & ors
vs
Peter & Reuben
} Motion for new trial

Saddler
Wilson

The deft moves for a new trial on the grounds that the verdict is contrary to evidence and against the charge of the Court

October Term 1828

Ct. & Bates
vs
James Childress

The Plaintiffs will move the Court to reinstate this cause on the Docket, upon Cause to be shown on their behalf.

Barton & Stewart
attys for Plaintiffs

The Court will be inclined to dismiss the Abscondence as reported by the Commissioners appointed at the last term to ascertain what sum was due Young Grove for his Services, unless Equity can be shown against Solicitor's fees.

Jas K. Polk

Wm Haggard, The Defendant moves the Court for a new trial on the following grounds
1st Misconduct on the part of the Defendant
2nd The verdict contrary to Law & Evidence. Affidavit will be filed.

H. W. Collier for the motion

Robt Ewing &c
vs
Wm Patch & another

Motion to dissolve the Injunction in this Cause on the Answer of Patch & Co

Collier for the motion

October Term 1828.

Calvin Morgan et al
vs
George Morgan et al } In Equity
A motion will be made by the defendants Laurence & Reed & Boyd & Co to dissolve the injunction and dismiss the Bill as to them for want of Equity, against them.

Barton & Stewart
Solicitors for Defts

J. C. Gholson
vs
H. & W. Buck } Trover
The defts will move for a new trial in this cause because the verdict was contrary to Law & Evidence, & Contrary to the Charge of the Court, and because the Court misinstructed the Jury on [illegible] point of Law.

Barton & Stewart
Attorneys for defts

Ambrose Turner
vs
Jas H. Dearing & Co } Assumpsit
The Plaintiff will move the Court to set aside this Nonsuit and reinstate the cause for Court to be shewn

Seth Barton
Plffs Atto

John D Richards
Ivory B. Terry } Motion to sell real estate

Charles Mayfield
vs
Jas T. Merrit } Motion to dissolve the Injunction upon Bill & Ans

Ellis for Defts

Wm Moore
vs
Wm Bryant } Motion to Try Cause

Motion for an order

Ellis

Hudson's adm.
vs
John Hudson.

The defendant by his counsel moves the court for a new trial on the grounds that the verdict is contrary to evidence & law & against justice —

Collier & Gaylord

Hudson's Adm.
vs
John Hudson

The Defendant moves for a new trial on the grounds of surprise and because the judgment in this suit cannot be pleaded in bar to another action instituted upon the same evidence

Gaither for the motion

James R. Stallbee
vs
Wm. H. Mann & James Pitcher

On the trial docket

The Plaintiff will move to make final a Judgment by default claimed in office in March 1828 for want of a plea, and to reject the plea filed since, for cause to be shewn on affidavit.

Barton & Stewart

att'ys for Plff

Robertson & Bramwell
vs
Jas Scholfield

The Defendant will move the court to retax the costs in this case on the ground that seven witnesses on the part of Plff have proved the same matters which were called on at the trial. Submitted

Brown

P. Pringle
vs
Wm. Bell
Bell & Kidder

Wm. Bell real estate upon
which Kidder upon some ground in contr.
Ex Ct.

Wm. Bell
vs
Kidder & Bell
Ex Ct

Motion to dissolve the injunction upon and to Foreclose
Motion to dissolve the injunction upon and to Foreclose
Ex Ct
Ex Ct

Thomas Banks
vs
James Hudson et al

Motion to secure costs in favour of the plaintiffs.
Isaac S Nelson

April Term 1832

Nehemiah Tillotson
vs
James Harper et al

Security for costs will be required in this case on account of the non residence of the plaintiff.
Nelson for Harper

Motion Docket

Jeremiah Murphy
vs
David F. Campbell

3 Cases
Motion to sell real estate on executions from a Justices Court

Barton & Stewart
for Plff

Motion Docket

Wm May
vs
Jno Leopard Sen
Jno Leopard Junr

a Motion will be made to set aside the Nonsuit taken in this Cause on a Showing to be made by plff

Barton & Stewart
for Plff.

Motion Docket

Jas. Horgan Exr
vs
Jno Boatner

Motion for order of Sale of real property levied on by constable by virtue of a Fi. Fa. issued by justice of the peace in favor of plaffs. vs. defendant—

Crabb for Plffs

Motion Docket

Henry Dicks
vs
Lebey Lewin

Motion to rule the plff to give Security for cost within the Legal time,

Lack & Wilson pro Lack

Motion Docket

Eskridge
vs
Thomas & Franks

Appeal
A motion will be made to set aside the Judgt. of this Court upon the Affidavit

Ellis & Boa
for Plff

Elizabeth Wright } A motion will be made in this case to tax
vs } Appeal } the pltff with the costs - and particularly, with
Wm Bryant } the costs of the witnesses summoned by pltff &
not examined on the trial —

Crabb, for defts

Tuesday March 17th 1829

Peter Marian

vs

William G. Glover } In Trespass & Assault
} Battery &c.

The plaintiff moved for a new trial
in this cause for the following reasons
First. The verdict is contrary to law and evidence
Secondly — The finding of the Jury upon the instruc-
tion of the Court as to the law of the case

Wm Trapp & Ellis } p.q.
Barton & Stewart }

E Jenkins &c
vs
J Hudgens

Motion for new trial because the verdict was contrary to law & evidence & for misconduct on the part of the jury which is supported by affidavits

Tuesday 12 Oclock The affidavits referred to in the above case Lark & Nelson are agreed to this day to be filed.

Crabb & Short & Ellis p.q.

Benj: Harwood

vs

Jno C. White

The defendant will move in arrest of Judgment in this cause, because.

It does not appear that the proceedings had upon which Judgment was rendered, were had in a court of record.

Because it does not appear that the Judgment in said declaration described, would have the force of Record evidence in North Carolina.

Barton & Stewart

defts attys.

March Term 182[illegible]

W. F. Spencer
vs
P. P. Wright

The plaintiff will move for a new trial in this cause on the following grounds
1st The verdict is contrary to Law & Evidence.
2d The talesmen or a part of them had been summoned by the defendant himself.

Barton & Stewart
defts atto

C. Lewen
vs
P. A. Rawden

P. A. Rawsen
vs
C. Lewen

Peter A. Rawsen will move the Court that the judgments entered in this cause on the award returned in these cases be set aside for reasons to be shewn.

Barton & Stewart
atto for P. Rawsen

Benjamin Williams
vs
James Haggard

Motion to set off a judgment heretofore attained in this Court in favor of Benj. Williams vs. Jas. Haggard, against a judgment heretofore obtained in said court in favor of Jas. Haggard vs. Benj. Williams. The 1st judgt. was rendered before the latter, but too late to be pleaded in the second action.

Crabb for Williams

Motion granted as to the judgment in favor of the defendant and refused as to the judgment in favor of the plaintiff

Griffin
vs
Jones

Motion for a new trial on the ground 1st the finding was contrary to the Evidence 2nd one of the jury was interrupted in conducting the proceedings: Which fact was not known till the case was put to the jury.

L. & R. & Wilson

Muddiman
vs
Jones

Motion

Muddiman
vs
Jones

Motion will be made in this cause to set aside order of dismissal made at the last Term and to reinstate said cause on the Docket.

Kelly

Robinson & Davenport
vs
Garnishment
Geo. Davis

Motion to set aside judgment in this case

Crabb

A Smith
vs
Wm Hines

A motion will be made to sell real estate on an execution from a Justice Court

Shanklin & Sims
Pff Atty

Saml W McElroy
vs
Robinson & Hayden

Same motion, in two executions,

Shanklin & Sims
Pff Atty

Wm Nash
vs
Wm Hines

Same motion,

Shanklin & Sims
Pff Atty

John Hagley } Appeal
+ " Daniel Holman }

Same } Same
+ " } "
Same } Same

in the above cases.
Another Mill be made to set aside the Judgt taken upon an affidavit
filed —

Ellis & Bunn
for defts

Simeon Bears } Motion for order to sell land
+ by } levied on by Justices
Isaac Bryant } Jack & Wilson
Executor

Simeon Bears } Motion for order to sell land
+ by } levied on by Justices
Isaac Bryant } Jack & Wilson
Executor

E. H. Woods, Exr, etc. &c. } Motion vs. said Sheriff & Executor
vs. } on several grounds as will appear
Fitzgerald, Sheriff & others } by reference to the Docket with
Clerk —

Friday March 1829—

E. Woods & Co use of Joseph Wheelock

vs

Garret Fitzgerrald Sheriff of Marion County state of Alabama, & his securities in office Darby Tuttle, John Williams, Leonard Switzer, James S. Ewing Burton Sanders Banks & John White—

Plaintiff moves the court for judgment vs. said Sheriff & his said Securities for Sheriffs for failing to return according to law a capeas ad Satisfaciendum which issued from the office of the Clerk of this Circuit court of Tuscaloosa County & State aforesaid on the 27th day of November 1827— was directed to the said Sheriff of said County of Marion returnable to the term of said court next succeeding its issuance, on a judgment rendered by said court at its term of the second monday after the fourth Monday in September 1827— in favor of E. Woods & Co. who sued for the use & benefit of Josephus Wheelock against Wm. W. Drinkwater for the Sum of $1797 & 32 Cts— debt & $38 & forty cents

October Term 1829

Hawthorn assee &c
vs
Lewis & Wyse } Motion to retax costs on ground that James Pitcher a witness summoned by pltff, was not examined on the trial and was incompetent to testify, apart from facts disclosed in the record & in affidavit filed in clerks office.

Lucas & Wilson
attys for defts

Same vs Same. Same motion.

Lucas & Wilson for defts

William N Colgin admr of
Jno T Lilly dec'd
vs
Jno Cowing
Jno L Cummins Jno partner
of Cummins & Lilly & Jno T Lilly &c } The deft in this cause will on the taking up thereof move the court, for a decree of a division of the outstanding accounts & effects, late vested & undisposed of, belonging to the said firm as now disclosed in pleadings in this behalf filed.

12th Oct 1829

Lucas & Wilson
pro defts

Wm M Mann
vs } Motion for new trial
Sims Scott & al

Owens & Pat for pltf

The defendants move for a new trial because
1st The verdict was against the law and facts of the case
2nd The Court charged the jury improperly as to the law, in regard to the legal consequence of the license given the negro by the Plaintiff
And 3rd The court improperly rejected

the objective to the testimony as to its failing to establish the character of the ownership of the defendants and their consequent respective liabilities.

3. The proof did not correspond with the allegations in the declaration.

Lohn. F. Lowe
Atty Pro. Edit

James Tribble
vs
William Jennings } A motion will be made to sell the East half of the East quarter of Section 10. Township 22 Range 2 East lying and being in Lowndes County Alabama containing 40 acres more or less with the appurtenances thereon, for want of personal property to levy on of the said Jennings in an Execution issued from a Justices Court

Shirbridge & Sims
Pltf Atty

Fanny Mayfield
vs
John Edwards } Motion for new trial

Jas M Whitsett
Atty for Deft

Wm A Bliss
vs
Hardy Jones } In Error
The plaintiff moves for a new trial on the following grounds
1st The Verdict is contrary to Law and evidence.
2nd For reasons which will appear by affidavits which in due time will be filed evincing improper conduct in some of the Jury during the progress of the trial.

Hardy Jones
vs
Wm A Bliss } Case for Mal. Pros.
The Defendant moves the court for a new trial Because the Jury found contrary to evidence and instructions of the court — and Because the court misconducted the Jury

S. & S.
for Deft

C. G. Pitcher & Co
+ vs.
Nicholas House
ordd

Motion to sell Real estate upon exn from Justices court

Ellis & Rowan for Pl

Pltt Grier
+ vs.
George Robertson

Motion for a new trial on account of newly discovered testimony as set forth by affidavits filed with the clerk

Granted

Craft for Pltff

A. P. Baldwin
+ vs.
Nicholas House
1 others

Motion ordered to sell real estate upon Exn from Justices court

Ellis & Rowan for Baldwin

Octobr 14th 1829 - A new trial granted

Hardin Perkins
adm of Archibald
+ Samuel Maverick

In the case the defts moved for a new trial on the grounds 1st The jury found contrary to the evidence before them - 2d The jury found contrary to the instructions of the court upon the law of the case - 3d The instructions or charge of the court was contrary to law - 4th The damages found are excessive -

Craft atto for Perkins -

Donaldson
+ vs.
Dougherty et al

Agreed between the parties

The Pltff will move for an award of exn under the stat - upon adelivery of bond -

Ellis for Donaldson -

October Term 1829.

John Gayle Jr
vs
Jno. Hudson
} appeal

The plff moves for a new trial on the ground that the verdict of the Jury was contrary to law & evidence, and contrary to the charge of the Court. A new trial.

B. Barton & Stewart
attys for Plff

Kirk R.
vs
Goodwin
} motion for new trial because the verdict was contrary to evidence & charge of the court.

Jno R. Thilson
for Deft

U. S. Hearing &c
vs
Hoole & Neal
} Order
Motion to sell real estate levied by a constable as property of Hoole.

B. Stewart atty for Plff

+ Geo. Miller
vs
Bross & Hagner
} 2
motion to sell real estate levied as property of Jno Bros
Order

B. Stewart atty for Plff

L Logan
vs
Jno Bros
} 3
motion to sell real estate levied by a constable as prop'y of deft
Order

B. Stewart atty for Plff

+ Mons Fleming
vs
Jno. Bross & Jno. Miller.
} 4
Motion to sell real estate levied by a Constable as property of Jno Bross. Order

B. Stewart atty for Plff.

October Term 1829

John Murphy Govt
vs
Wm Morton Jun & his securities.

Dismissed.
The dft moves for dismissal of said suit pursuant to award.

Paxton & Stewart
attys for Morton.

Commissioners of State Capitol
vs
Wm Morton Jun

Motion will be made by the dft for Judgt pursuant to award.

Paxton & Stewart
attys for Morton.

J. April Term 1830

Thomas B. Grantland
vs
Kinney Pool.

Andrew Dunn
vs
Zachariah Mangum

Defendant moves for a new trial on the grounds stated in his affidavit. J.J. Atkin
p. deft

October term 1829.

L.C. Petitioner &c.
+ vs.
Benja Biggerstaff
order

Motion to sell real estate upon usual petition
Court
Two cases
Ellis & Bowie
for Pet.

Pike
+ Kemp
Assumpsit

The verdict in this cause being for less than fifty dollars the Defts. move the court for an execution upon that ground.
Ellis & Bowie
for Defts

John B Hogan
vs
Christian Bushy

Overruled
Motion will be made to quash for want of ~~Legal notice~~ by Sheriff Returns
Shackelford & Lewis
Defts Attys

Jeremiah Murphy
+ vs
D.C. Campbell
order

Motion to sell real estate on execution from a Justice of the Peace.
Baxter & Stewart
Attys for Pltf

Same
+ vs
Same
order

Same motion.
Baxter & Stewart
Attys for Pltf

Same
+ vs
Same
order

Same motion.
Baxter & Stewart
Attys for Pltf

C. G. Pitcher & Co
+ vs.
Nicholas House
Motion to sell Real estate upon exn from Justices court
Ellis & Bowen for P

Robt Greer
vs.
George Robert
Motion for a new trial on account of newly discovered testimony as set forth by affidavits filed with the clerk
Granted
Craft for Plff

A. P. Baldwin
+ vs.
Nicholas House
1 others
Motion to sell real estate upon Exn from Justices court
Ellis & Bowen for Baldwin

Oct 14th 1829 - A new trial granted.
Hardin Perkins
adm of Lucius
+ Samuel Maverick
In the case the defts moved for a new trial on the grounds, 1st. The jury found contrary to the evidence before them - 2d The jury found contrary to the instructions of the court upon the law of the case - 3d The instructions or charge of the Court was contrary to law - 4th The damages found are excessive
Craft atto for Perkins

Donaldson
+ vs.
Dougherty et al
Agreed between the parties
The Plff will move for an award of exn under the stat - upon the Defts entering into a bond -
Ellis & Bowen for Donaldson

October Term 1829.

John Gayle Jr
vs
Jno: Hudson } appeal

The plff moves for a new trial on the ground that the verdict of the Jury was contrary to law & evidence, and contrary to the charge of the Court. A new trial.

B Barton & Stewart
atto for Plff

Kirk
vs
Goodwin } motion for new trial because the verdict was contrary to law & evidence & the charge of the court.

Lind & Hutcheson
for Deft

J. H. Dearing & Co
vs
Hoole & Neal } Motion to sell real estate levied by a constable as property of Hoole.

Order

B Stewart atty for Plff

Geo. Miller
vs
Bross & Hagner } motion to sell real estate levied as property of Jno Bross

Order

B Stewart atty for Plff

L Logan
vs
Jno Bross } motion to sell real estate levied by a constable as prop'y of deft

Order

B Stewart atty for Plff

Moses Fleming
vs
Jno. Bross & Jno. Miller. } Motion to sell real estate levied by a constable as property of Jno Bross. Order

B Stewart atty for Plff

October Term 1829.

C. L. Pitcher &c.
+ vs.
Benjn Biggerstaff
order

Motion to sell real estate upon ex parte proof

Ellis & Bemis
Pltfs Atty

Pope
+ King
vs.

Jury in this cause being sworn & Dollard the Deputy Sheriff of this county for another Execution upon that ground.

Ellis & Bemis
for Deptt

John B Hogan
vs
Christian Busby
order

Overruled Motion once be made to quash for want of ~~Execution~~ Returns by Sheriff

Shurtleff & Bemis
Defts Atty

Jeremiah Murphy
+ vs
D. C. Campbell
order

Motion to sell real estate & execution from a Justice of the Peace.

Barton & Stewart
Atty for Pltff

Same
+ vs
Same
order

Same Motion.

Barton & Stewart
Atty Pltff

Same
+ vs
Same
order

Same Motion.

Barton & Stewart
Atty for Pltff

October Term 1829

John Murphy Govt
vs
Wm Morton Junr & his securities.

Dismissed.
The deft moves for a dismissal of said suit pursuant to award.

Barton & Stewart
attys for Morton.

Commissioners of State Capitol
vs
Wm Morton Junr

Motion will be made by the deft for Judgt pursuant to award.

Barton & Stewart
attys for Morton.

April Term 1830

Thomas B. Grantland
vs
Kinney Pool.

Andrew Dunn
vs
Zachariah Mangum

Defendant moves for a new trial on the grounds stated in his affidavit. J.G. Aiken
p. deft

Motion of Berry discharged } Donaldson } Rejection of Instruct motion for new Trial because the Jury found contrary to Law and evidence - newly discovered Testimony S. V. Ellis -

John Rudeen } In ejectment -
vs
E Curtis Jeff and admr - } Exception to Respondents and filed, for which it will be unnecessary that the case is remitted

Ellis for complt

Motion granted Jeffy to be at Tarrytown with Saml Tarrytown 60 days appeal submitted

King admr } Rule for security to pay costs - Plff. being non resident S. V. Ellis -

Thomas B. Grantland vs Kinney Tool } Rule for a new trial, the finding of the Jury being contrary to Law & Evidence Bayard & Aikin

10. New trial granted on paying the cost as a condition precedent

L. Abercrombie & Others vs Gideon Berry } 11. New trial granted unconditionally — The plaintiff moves for a new trial, the verdict was contrary to Law & evidence, the previous title of the plaintiff was proved & admitted, & no proof made by the defendant shewed that he did not divest himself of title. G. N. Stewart Att'y for Plff.

on adv. Haughey discharged by Trustees Ray } Motion for Judgt for full cost upon the finding of the Jury - S. V. S.

Jas H Deering Exo
v
Thos Deering
A Summons granted } Motion for new trial
on the ground of newly discov
testimony — and on affidavits fi
7 April 1830 Crabb & Wilson
Dept

John Andrew
vs
Chancey
Elias Jenkins admr } Motion to dissolve
Injunction on answ
filed — 7 April 1830 Wilson Dept

Dan H Deering
vs
Chancey
Abigail McFarlane } Motion to dism
Bill because the
at law the subject matter of the Bill
has been decided in favour of Dept
7 April 1830 Wilson for Dept

Abigail McFarlane
vs
Joseph Blackwell } Motion to dissol
Com the taxation
of the charge of Mrs McFarlane
a Constable for keeping a horse levied
on by attachment affidavits filed
7 April 1830 Wilson

Malone
vs
James Witherhead } Motion for new trial bec
the jury found contrary to law
& evidence, Also upon affi
ants which are by exhibited
Challenge allowed
for Dept

Discharged Sam
vs
Same } Same motion

Dept C

Nehemiah Rogers Samuel Rogers } This is a motion to reinstate
and Edward Rogers. } to be reheard in, a cause late
vs. } In Chancery — } depending in this court in the
} Chancery side thereof, wherein the Ds
Ira Griffin. } Griffin is Complainant & the Ds
Rogers and defendants, which Bill in equity was
taken within the last 3 years taken pro confesso & decree thereon
without notice to the defendants of said decree; all
the requisites of the Statute having been complied
with — 7th April 1830

Geo. W. Crabb for Motion.

Beale } Certiorari.
vs.
Mc Clendon & Bethune }

The Pltff below moves to set aside
the Nonsuit in this cause on the grounds
set forth in an affidavit filed
Nonsuit set aside

Partridge & Lang
for Beale

Dot Paul } Motion for anew trial on the
vs. } grounds of surprise by the
Timy Pool. } oath of James Paul an
Affidavit will be filed

Ellis

Walter Anderson Attdt }
vs. } A motion will be made for an order to
Wm. Cash } sell certain real estate levied on by
virtue of an Attachment issued by a Justice of the Peace.
Judgment for $16.37½ & Costs —

Crabb & Moody.

Jeremiah Murphy }
vs. } Motion to sell real estate in
D. G. Campbell } three Cases — on a Justices Judg
The Plaintiff moves that the returning
Officer (the Constable) have leave to correct an error
in the Number of the Lot Levied on.

J. R. Stewart

April 8th 1839

Mary Ann McGinnis et al. vs. Defts in this cause will move on 3rd Bill in Equity & if necessary to dissolve the injunction for the want of H. Young. Complainants Bill for want of equity & the Defts for equity or on answer.

Walton, Armitage & Crosby for defts

Notice acknowledged & service of notice of this motion 8th April 39

F. N. Stewart
for Complt

Motion granted

William Taber vs Stephen B. Hollon

An application will be made for an order of Court to sell certain real estate, levied on by virtue of a writ of Fieri Facias issued by a Justice of the peace. Debt $28.20 besides Costs —

Crabb & Moody

Motion granted

The Same vs The Same

a similar motion. Debt $28.20 besides costs.

Crabb & Moody

Motion discharged

on adv. Harrell use of Canton vs Saml Hamer

1st. Motion for a new trial.
Because the jury rendered a verdict contrary to law & evidence —
2nd The judge charged the jury contrary to law
3. Newly discovered evidence & affidavits filed

S. Paul vs Kinny Pool

In 2 appeals

The Plaintiff Moves, that new security be given, as the ~~appeal~~ security in the appeal Bonds is insufficient.

F. N. Stewart
Pltffs Attn.

Wm Lugg
vs
Pool & Carruthers } Motion to set aside the Judgt. rendd. vs Plaintiff, — because on the second plea the law is with the plff.

J. H. Stewart

Billy Dennis
vs
Wm Lugg } Discharged
Motion to reinstate the Cause & set aside the Judgment & that the Cause stand Continued.

J. H. Stewart
Atto for defdt.

Whatley & McGuire
vs
Davis Johnston } Motion to discharge Exclusive of Deft. Lot No 355 in part
& Chatham } of personal property — indemnity promised by defts in execution

Shortridge & Sims
for Plff in Execution

Hudson
vs
Dennis, Sam } Motion to suspend the fine vs. Deft

Shortridge & Sims

In this case ordered that the bond of the Plff be applied to the payment of the cost on which Judge Shortridge's obligation is to be discharged upon.

Peter Delany
vs
Christopher Bowman } Motion for a new trial because jury found contrary to evidence & the Charge of the Court —

Craik for defdt.

October Term 1830

Thomas T Gunnage use &
" Nathy Gilmore } For want of goods & chattels &c
vs } the following track of Land Levi
Thomas T Willard } on execution from by Thom
justice hearn to wit the Nwt Wst of SE quarter of Se
16 in Township 21 Range 17th west. levied on by Da
Shelton Con on the 4 day august 1830
Motion for order to sell the above described La
October 4 1831.
Shortridge & Innis
for Plff

Isaac Rawls }
use &c Wm B. Ewing } appearance docketed

Motion by the defendant to dismiss the
on the ground that no security has been giv
for costs, the plaintiff being a non-resident,
his attorney having received notice from the 19th
July last, requiring security for costs to be
given.
Van de Graaff
Ro. Disallowed pursuant to defts motion

Platt Bull }
Edwd P. Brown } The defendant now to quash
a motion to quash the writ in this ca
will be made for defects apparent on the
writ
Motion to quash writ overruled
Wilson
by use of Jas McClark

Eldridge Duke } Motion for new Trial
vs } defts upon the special affi
Wm Hill } filed October 11 1830
Shortridge & Innis for
Ro. New trial granted deft Atto
On the payment of all costs.
within 60 days.

Strang
vs
Hoy

Oct. 11th 1830

Motion for a new trial, upon the ground of Surprise and the improper finding by the Jury in the Amount of Damages.

J. J. Allen for Pltf.

M. New trial Refused.

Smith Bugg
vs
Wm Berry

Motion for a new trial upon cause shewn on a special affidavit of defendant filed in office. October 11th 1830 and the Damages — and also per Shortridge & Sims Pltf's Law and evidence —

Pltf's Atty

H. Sofman
vs
James M. Davenport

a new trial is moved for on the grounds

First The Verdict is contrary to evidence

Second, it is against Law,

Thirdly, a set-off of the accounts of Griffin & Davenport was improperly

disallowed. New trial refused Shortridge & Sims

Hamilton
vs
Donaldson

the Defendant moves for a new trial on the grounds set forth in affidavits to be filed

M. new trial granted on Shortridge & Sims —

agt. of the Pltf.

James
vs
Town & Gazaway & Pltf in Execution
and
Jane Witherspoon

M. Witherspoon claimant

The claimant moves for a new trial, on the ground of surprize — evinced by the attitude of claimant as exhibited to the Court in relation to facts & the decision of the court in relation thereto, & upon affidavits & Law — Shortridge & Sims

M. new trial is refused

Petchen & ux
vs
Jones et al } Motion for new trial on
ground that the dep of Lea
was improperly permitted to go in
to the jury and on the ground of the
that the jury ought find against
number than all the defendants
contractors or ins... Gaylor for depts

11. Motion for new
trial overruled

Andrew Dunn
vs
Zachariah Mangum } Motion for a new trial
the pronds states in Defts affid
on file. J. G. Aiken. p. c

Jamieson admr
vs
Eli Ellis } Motion for non-suit
upon the finding of
the Jury - under the statute
11 Let nonsuit be Ellis for Deft
entered

Beverly Daniel
vs
Wm Nichols } The pltff moves to set aside
the nonsuit in this cause
reinstate the cause.
J. H. Stewart
atty

Mr nonsuit set aside on
the payment of all costs

Haymond

vs
Wade

Motion for a new trial on the ground that the Court erroneously permitted the deed of Wilbourn to Wade to be read to the jury — The Court erred in the instructions given to the jury —

Lloyd

Motion for new trial overruled.

Motion Docket April Term 1831 —

John Troy ejc &c. vs Edwin Sharpe

Motion to sell real estate upon an exn upon a justice of the peace —

Motion granted. Ellis Atto

Tuesday 2nd day of the Term

Same vs Same

Same motion —

Ellis Atto

Tuesday 2nd day of the Term —

Motion granted

William L Powers assee &c vs Elijah Chambers

Motion to sell real estate upon an Execution from a Justice of the peace

Tuesday 2 day of the Term Wilson

Motion Granted

Same vs Same

Same motion

Tuesday 2 day of the term Wilson

Motion Granted

Nathan Hughes } Motion will be made for
+ } an order for Execution if
William A. Peck } in this cause founded upon a
peppernut an attachment against Estate at the
October Term of this court for 1830

Shortridge & Sims for Pltf.

Motion Granted March 5th 1831.

Same }
+ } Same Motion.
Same } Shortridge & Sims for Pltff

Motion Granted

Wm J. Webster }
+ } Same motion
Same } Shortridge & Sims for Pltff
Motion granted

Same }
+ } Same Motion
Same } Shortridge & Sims for Pltff
Motion Granted March 5th 1831.

James I. Foster &c }
v. } alias Attach.
Edward B. Elliott } Motion will be made
this cause for Judgt. agst
John H. Lee agt. garnishee summoned to answer
at this Term upon his answer filed —
7th April 1831

Ellis & Pitts
Motion cont. for Pltffs

Christopher Vanmeter adm } Covenant.
v. } In this case a Motion
John D. Richards } will be made for a new
trial, upon the ground that the finding
of the Jury was not according to evidence
and the manifest preponderation.

April 9th 1831. Pitcher for Pltff

Chas Hodges &c } Motion will be made to set aside the
vs } same suit in this case for cause shown by
Saml Watkins } affidavit filed in office April 11th 1831
Granted on payment of costs of this term & the
costs of the suit to abide the event
Monday 11th April 1831 Ordered

Wm. Williams & H. Harbourt } This case was submitted to the Court at
vs } the April Term 1829 upon a motion by defts.
Case in Chancery } counsel to dissolve the injunction & for that
Middleton Young & J. R. Knight } alias to dismiss the bill for the want of equity; the Court did dissolve the injunction
and dismiss the Bill - Under these facts a writ of error was sued
out to carry the case to the Supreme Court, & it was not until
examining the transcript in the Sup. Court that the Plffs. Solr
observed that the decree was written out as if the case
had been submitted in this Court for final decree upon
the Bill & answer; the Plffs therefore now move the Court
to correct said decree nunc pro tunc, & rely upon the entries
by the Chancellor made on the papers in the cause at the time of
the motions aforesaid, upon a statement by Judge Gayle in relation
to this matter shewing his recollection, he being the Chancellor who
presided, & upon affidavit, which statement & affidavit
will be filed with the clerk.

Crabb for Plffs.

Order made nunc pro tunc, amending the
decree from the Judges note on the papers

Isaac Rawls } Appearance Docket
vs } Covenant
Saml B Ewing } A motion will be made
in this case for a Rule
on the Plaintiff to give Security for
Costs within the legal time -

Gayle & Van Dyke
attys for Deft.

E. Sandford, adm'r } 12th April 1831 -
vs } The Deft moves for a nonsuit on the ground that Plffs.
Thos. Cummings } recovered less than this court has jurisdiction of

Crabb for motion -

Denied

12th Sept 1831

Thos Cummings
vs
Wm L Sindall, Exr

Deft moved in this case to arrest judgment for reasons appearing in the record

Overruled pro forma Croft for deft

James Trent & wife
vs
John Hudsons

Deft moved in this case to set aside the judgment by default and to have a new hearing upon the ground fact that he had informed by his attorney that a had been filed - but there being none he was consequently taken which [illegible] from Allo[illegible]

Overruled

McFarland
vs
Newman

Certiorari

The Deft moves for a new trial upon the ground that the finding of the Jury was against Law and evidence

Elliot for Deft

New Trial granted & Deft to pay all the costs but upon which judgment is ordered vs. Deft & his Security for the appeal

Geo. W. Williams
vs
Joseph Cleveland

The pltff will move to set aside the nonsuit, for reasons set forth in an affidavit which will be filed.

Withdrawn

Crabb & Moody for pltff

Allen Woolly overseer &c
vs
James Childs
Same
vs
Same

Appeal. 4th Jan 1831

In these Cases the Deft moves to quash the proceedings of the Jus 1st Because no party appears for Pltff in the warrant 2nd Because Judgt is rendered in favour of Woolly as overseer &c when said should not be in his name 3rd Because there is no certificate such as the Law requires upon which the Jus was authorized to render Judgt and for other reasons

appearing upon the face of the Paper—
Cont'd

Ellis Atty
for Defts

C G. October 86
Wm Sims &c et al
Motion for con- for cert to
upon continuance—
of the cause as appears upon the—
Record—
Ellis for
Defts—

Samuel Dunlap
vs
Batson
Ed Jarrett
Motion for a new trial in
this cause upon the
affidavit filed in the
clerks office 13th April 1858

Denied

Shattuck
Sims
for Defts

Vanner
vs
Richards
The plff defendant asks leave to move that a
Judgment be entered because the act does not give way
less than fifty dollars

Overruled

Stewart
for Defts

Allen Wooley
vs
Geo Kitchens
appeal
Motion to quash the pro-
ceedings of the Justice by the defendant—
for same reasons as in case
of Childress. —

Stewart
for defts

Motions for Oct. Term 1831.

Jacob Snieder by his next friend vs Humphrey Chappell } Motion for a new trial

The defendant moves the Court for a new trial on the following grounds
1st The defendant was taken by surprise in the testimony of Samuel Snider & can disprove a material fact in his testimony by discovered testimony
2d Because he was deprived of the benefit of E. Callejans testimony & his affidavit filed
3d The jury found contrary to law & evidence
Oct 6th 1831.
Ellis & Martin attys for

Anthony B Shelby dy vs Mr Keller } Motion for a new trial

The defendants counsel move for a new trial on the ground that the jury found their verdict against the instructions of the court — Second that the jury found contrary to the law & evidence — Oct 11th
Stewart & Wilson
attys for defts

Lemuel Sims vs Robert Mills } Motion for a new trial

The defendant in this cause moves for a new trial on the ground that the jury found contrary to the law & evidence in the cause and on the grounds contained in affidavits filed in the
Oct 12th 1831
Trimble & Wilson
attys for Defts

Edmund Ramey vs Joshua Wolbert } Motion

The defendants in this cause move the Court for a new trial on the ground that the Court has no jurisdiction of the case
Ellis & Glover
Attys for Defts

E Ramey vs Joshua Wolbert } Motion withdrawn

The defendant in this cause moves the Court for a new trial on the ground that the jury found contrary to Law and evidence
Ellis & Glover attys for Defts

John B Morgan
vs
Christian Burgy

The defendant by her counsel moves for a new trial in this cause on the grounds that the finding of the jury in this case is contrary to the law & the charge of the court, and is against the weight of evidence

Thirteenth Jan. 1843

James Lynch
vs
Campbell & Elliott

The plaintiff by his counsel will move to set aside the verdict rendered for the defendants in this cause on the grounds stated in the affidavit filed

Crabb & Moody for plff

Tyndal not to be heard to amend the Writ of Error & dismiss the suit for the reasons shewn by the Record

Ellis Att'o for plff

Isaac
vs
Barrington & Phillips

Plaintiff moves to set aside Non-suit upon affidavit & authority

Ellis Att'o for plff

James B. Wallace
vs
James McMillian

asst.

The plaintiff by his counsel move the court for a new trial in this cause on the following grounds

1st The verdict is contrary to the law on the facts in proof.

2. The evidence of payment was insufficient to sustain the plea and the weight of evidence was with the plaintiff.

3. The plaintiffs were surprised on the trial by the rejection of testimony.

4. That further testimony exists which can be procured, and which will shew that the debt has not been paid, & which from accident and circumstances could not be procured at this term.

J. N. Stewart
pltfs. atty.

Bryant Bonner
v.
Alexander Deal

Summer
v.
Harrell

Nathan Cullins
v.
Abram Harrell

Henry
Harrell
v.
Mark
v.
Beuck et al

April Term 1832

Edward Sims
vs
Amos Warren admr
of John H. Boroughs dec'd

In this
cause the
plaintiff
by his atty
moves the Court to appropriate
the sum of one hundred dollars
money now in the hands of the
Sheriff of Tuscaloosa County collected
upon a judgment in favour of
the said Warren as admr &c
against Edward S. Fennell to the
payment of the judgment of the

Said Edward Sims is Amos Warren Admr
v. John F. Boroughs dec.d

Ready atty for plaff

Amos Warren admr &c
vs
Richard Saunders

Same
vs
John Baker

Same
vs
Josha Isbell

Same
vs
James R Hill

Same
vs
Jos. McGuire

Same
vs
James R Hill

Same
vs
Jonathan Bird

Same
vs
Jonathan Bird
& Jos. Bird

Same
vs
James Black

In the above named cases the Court is moved to appropriate so much money as now in the hands of the Sheriff of Tuscaloosa County, collected upon an execution in favour of the Pltf Warren admr

17.

After hearing the writ in these cases the motion & affidavit filed in support thereof the Court is of opinion that the same be appropriated to the payment of the foregoing case of Edw Sims by A W admr &c

against Edward S. Harrok as surety
pay the costs in the S^d case, all of the
said defendants being insolvent

Geary atty

Whitney & McFarlan
vs
Pierce & Baldwin.

appeal Docket No 59.

Motion to quash the writ because the names of
the parties pltffs are not identified nor set forth

Motion overruled J. N. Stewart

Shortridge & Stout
for McMillan

In Assumpsit

The plaintiff move for a new
trial on the following grounds as
1st The Verdict is contrary to
Law and Evidence.
2nd It is contrary to the charge
of the Court.

Shortridge for Pltff

Motion refused

Wallis use of McMillan
vs
Gu. [redacted]t.

The deft. moves for judgment against the
pltff. McMillan for whose use suit was
brought, a nudect having gone for deft.

Gabb for deft.

Motion granted

John McKinnie
vs
Peter Gouldsen

Motion refused

Motion for new trial on ground
of surprise and that the evidence of
John Sorrenson since was unexpectedly
rejected, and because verdict contrary
Law & evidence.

J. N. Stewart
Pltffs atty

John P. King adm'r &c
Tardy &c.
10th April 1832

Def't Mem Tardy for mon-
for a new trial in this case because
the Court Jury found contrary to law
and evidence and apt. the instr-
uction of the Court
new trial refused
Exc. Bpt.

Wm. S. Tyndal
exor &c
vs.
Thos. Cunningp.

Debt

Def't by his Att'y moves to
arrest the entry of Judgt made
in this case at the April Term 1831-
& inserting the words "if the Debt can be had and"
after the words mentioned in the third line from the
bottom of said Judgt and also by inserting the
words "The Jury find seventy five Dollars
the value of the same" before the words "paid by"
in the second line from the bottom
which motion is opposed by Pltff's Att'y
10th April 1832

Exc. Att'y
for Pltff

10th April 1832

The State
vs.
Elijah Smith & other

Motion by Attn. Genl. for judgt.
vs. Henderson as a defaulter for debt.
to the State

Judgment vs the Defts.
Cont. Post accts.

The State
vs.

Patrick's Adm'r
&
Pitcher & Rimsen

Motion to set off the Judgt against
one rendered in this Court between the same parties
in favor of the Pltff.

13. Let the Judgment be set
off. The Defts to Pitcher & Rimsen.
objecting to the set off —

October Term 1832

4th Oct 1832

1796

The President and Directors of the Bank
of the State of Alabama
to
John Ratcliff and David McMillan
and Henry Taylor as security of
D R Brown sheriff of Wilcox County

Motions October Term 1832

Joseph Eddins
vs
Turner Hamm } 11. Motion granted

The plaintiff in this case will move to substitute a transcript of the record in this cause remaining for file & the Supreme court in this cause in lieu of the original papers which are lost, — 6th 1832
Rawlins atty

James Peay's
vs
John Murphy } The defendant in this cause moves for a new trial on the grounds that the finding of the jury was contrary to the law & evidence, which finding to the charge of the court and defendants bill of
Oct 6th 1832 — Rawlins for Deft

Ezekiel Young
vs
Mary Ann Hill et al } In Equity
Moves to withdraw the original bill of complaint filed at the last term of this court & leave entered of record
Oct 6th 1832
E Woods sol for the complt

In this cause which is pending on the demurrer of the said Young to the answer of the defendants, he moves for leave to withdraw the original bill of complaint filed by him at the last term of this court & leave entered of record
Oct 6th 1832
E Woods sol for the complt

vs
N M Drinkwater } Motion to have the judgment rendered at this term rendered at the October Term 1827
Davis & Cooper
Attys for Deft

John Hudson
John Hudson and
others

The [illegible] to set aside the
Verdict granted in this
cause upon payment of
costs of former suit and
on bond with security
as a condition precedent
for the motion and upon
other grounds

Ellis. Atty
for Pltff

Sarah A. Barringer &c
Samuel B. Ewing
vs
Wm A. Pfeiffer

[illegible] Motion for the
[illegible] Verdict in this cause
[illegible] granted upon payment
[illegible] of costs of former suit
[illegible] and upon other
[illegible] grounds

Ellis for Pltff

John D. Lummus
vs
Abraham Harvell
Moses B.
Nathan Cullins
Abraham Hardee
Elizabeth Hardee
Abraham Hardee

Motion for
Appearance
Motion granted
Same
Same
Motion granted

Motion to stay proceedings
until cost of former suit is paid
between same parties

Ellis for Pltff

Motion

Ellis for Pltff

John Venible
vs
Wm J Glover

Motion to stay proceedings in this
case until the cost of a former
suit between the same
parties is paid is denied

Motion denied

Glover & May
for Pltff

William H. Bliss
vs
Benjamin F. Randolph

Motion granted
on the following grounds
1. The damages appear excessive
2. The verdict is contrary to the evidence

The defendant prays for a new
trial as a
precedent
Because —
1st The Verdict is contrary to the
weight of evidence
2d The Verdict is contrary to law

Fly Miller for Deft
10th Octr 1837

Wm. Thomas
vs
Wm Bryant

The defendant moves this Court for a new
trial in this case on the ground that the Jury
found a Verdict against the Evidence and
the Charge of the Court and for reason in af-
fidavit filed

Crabb & Wilson &
Glover & May for
Deft

The State
Gaines
Wilson Whatley
Thos Whatley

Thos Whatley
Gaines
John Stinson

State Bank
John Johnston &c

Bank of the State of Ala
Jas Davis & C. Hooks

Oct Term 1832

A. P. Baldwin
vs
Roxsfield Kennedy } Motion for an order of sale of real estate on a writ of fi fa issued on an execution from Mallory Justice

G. A. Stewart
for Pff

Same
vs
Same } Motion granted

G. A. Stewart
for Pff

Rawls
vs
Ewing } Motion for judgment by default for want of plea or answer before the first day of next term. Motion granted provided the papers are not withdrawn before the 4th day of next term.

G. A. Stewart
for Pff.

Hickenbury
vs
Ins Pierce } In Attachment

George N. Stewart appears and avers that the property levied on under the plaintiffs attachment may not be subject thereto but that said property belonged to George N. Stewart as assignee for the benefit of the creditors of Pierce & Baldwin. Wherefore he moves the Court to make an order that he have leave, to make claim to said property so that the right may be tried.

G. A. Stewart

Keenan
vs
Baird } The defendant Keenan by his atty moves the Court on the affidavit of the justice

of the peace to correct the judgeme
of the court in entering dismissing the
appeal at his the sd Kerlans costs
Baylor atty

March Term 1833.

Wm [redacted]
att[y] & Trespass &c
John Moore

In this cause the defendant
moved the court for a new trial
in the grounds, that the jury found their verdict contra
to the evidence, and in disregard of the law of the c
as pronounced from the bench 22d March 1833
Crockett, defts Atty
Service of notice of the above motion acknowledge
March 1833

Motion granted

Anthony B Shelby
Henry N Collier

In this cause the
defendant Collier
his attorney comes &
moves the court for a Judgment against
Thomas Fearn for the costs which may accrue
to the defendant, as well as the fees due the
the officers of court in this above
Collier — March 22nd 1833 — P.M. Wilson &
Lyon Clerk

Motion granted

James Fearn
John Moore

The said Fearn by his
attorney moves the court for
the issuance of Judgment
the county court of Tuscaloosa County pre
ated on the certificate of the said court, again
John Moore & John D Cummins his security
will as the damages thereon — P.M. Wilson
March 22nd 1833.

Bryant Bonner }
vs }
Lewis Stovall }

A Motion will be made to have an execution from this court to be by the Sheriff of Lauderdale to take under the Body of a Magistrate & return before the Judge of a Magistrate & return before the Judge of a Magistrate & return before the Judge

March Term 1833.

Jesse Beene
vs
John A Jones } appearance docket

The plaintiff moves that the sheriff stand as special bail in this cause on account having failed to take a bail bond in this cause

Motion refused } George N. Stewart
pltffs atto.

Motion denied

Boardman use of Elgin
vs.
H. Parkins } Same cause on the appearance docket from No to No. In this cause defdt. moves to consolidate these causes on grounds appearing on the papers —

Crabb for defdt.

Motion granted

September Term 1833

The State
vs
David Robertson

Rule to shew cause why an attachd ought not issue for a contempt committed by Defft in not appearing as a Juror at March term 1833

10 Rule discharged X

The State
vs
Joseph Stinson

Rule to shew cause why an Attachd ought not to issue for a Contempt committed by Defft in not attending as a Juror at March term 1833

10 dismissed by Atty Genl with consent of the Court X

The State
vs
Randyard Gunn

Rule for the Defft to shew cause why he ought not to be attached for a Contempt by him committed in not attending as a Juror at March term 1833

10 Rule discharged on payment of Costs X

The State
vs
John Mann

Rule for the Defft to shew cause why he ought not to be attached for a Contempt in not attending as a Juror at March term 1833

10 Rule discharged X

James A. Bear
vs
James J. Lyon

Rule requiring Defft to shew cause why he ought to be attached for a Contempt in not appearing as a Witness at March term 1833

at a Witness for Samuel N. Beal against Samuel H. Beaman

10. Left an attachment at Mrs

Samuel N. Beal

vs

Benjamin J. Smoot

Rule requiring the Defdt to shew cause why he ought not to be attached for a Contempt by him committed in not appearing at a Witness at March term 1832 for Samuel N. Beal against Samuel H. Beaman

10. Left an attachment at Mrs +

John Moore

vs

Alpin Hardy Jr.

Rule to shew cause why the Defdt ought not to be attached for a Contempt by him committed in not appearing at a Witness for the pltff (John Moore) against William Bryant at September term 1832

10. Left an attachment at Mrs +

Motion Docket for
September Term 1833

Surrel Pltf
vs
William Bryant } Motion to tax the plaintiff with the cost of his witnesses that were subpoened and not examined, and further, that costs shall only be allowed against the defendant for two witnesses to the same fact. Glover & Mag for Defendant

10- Cordy Weaver & Jas Bond & others summoned by Pltff & not examined Copies to Pltff, further than two to Pltff in each case

Winslow & Winslow
by Next Friend Thomas Emory } Detinue.
vs
Harrell & Harrell

The Defendants in the above causes by their Attorneys move for a new trial in the above causes on the grounds. First. That the Jury erred in assessing damages against the Defendants for One Hundred Dollars for the detention of the Negroes, there being no evidence said Negroes, for which the Verdict was found were in possession of the Defendants after the service of the Writ the negroes in fact having been in possession of the Sheriff at the suit of the Plaintiffs, as appears by the Record

Secondly. Because there was no legal evidence that the Plaintiffs were entitled to said negroes.

Third Because the Verdict is contrary to Law and Evidence

10- New trial refused if Deft } Glover & Mag.
repays $95- part of the damages for } Dispatch Attys
detention within 30 days, otherwise it is granted

10. Set Saml H Wright to be appointed as Receiver for Craig Sims in 60 days

September Term 1833.

Thos. R. Bolling
vs
R. Dennis Jr
Garnishee

The Garnishee moves for a new trial on the ground
1st. That the parol evidence was insufficient to defeat the Bond introduced by the defendant.
2.° That the evidence of the plaintiff was improperly admitted
3.° Surprize on the part of the defendant.

10- New trial refused. G. K. Stewart atty. for deft.

X

N. Ginna
vs
Wm. B. Ewing
& Goodwin

The defendants move for a new trial, because the verdict was not warranted by the evidence.

10. New trial refused. G. K. Stewart Atts for deft.

+

Wm. Scott
vs
Allen J. Whatley

The defendant moves for a new trial, because the verdict should have been for Nominal damages only - there being no proof to warrant a recovery for more.

10- By consent all but $10.00 38/100 new trial refused. G. K. Stewart Atts for deft.

William Ellis use &c
vs
John Beard et al.

The Defts in this case move the Court to stay proceedings until cost of former suit between same parties for same cause of action be paid — Ellis Atty for Deft

10- Motion granted to stay proceedings till costs are paid.

Wadsworthy
vs
John A. Davis } Motion for an order
to sell real Estate &c
on by a constable with
an execution from a Justice of the peace
Glover & M
10. Motion granted — for Plff

+

The Pres't &c of Bank of Ala } Motion for judg
vs } for failing to return
Jacob D Shelley et al } ex —

The Pres't &c of Bank of Ala, } Motion for
vs } judgment aga
Sam'l B Webster } Deft —

The Past &c of the Bank of Ala } Motion for
vs } Judgment aga
[redacted] } Deft —

The Past &c of the Bank of Ala } Motion for
vs } judgment aga
Thos. C. Thompson } Deft — & Cause
heard by Plff atty

11. Motion granted as to Skelly & refused as to Ls Smeaton —

11. ~~Motion Jury & Dem~~ & Dem^r to evidence which is sustained

11. Jury & Dem^r to evidence which is ~~sustained~~

11. Jury & Dem^r to evidence which is ~~sustained~~ —

K. costs

Motion Docket for Spring Term 1834

Peter Donnavan
&
Geo. V. Stewart
Motion for Capt. upon
Motion vs. Def. ad
Security for Costs in
the Case - Sum Issue is
Motion
Capt. granted
Ellis for
Donaldson

The State
vs
Daniel Campbell
Rule requiring the Defendant
to show Cause why he ought not be attached for a
Contempt by this Committed, in not appearing as
a Witness at September Term 1833 - for the State
against William Bryant - Rule by the Clerk
& not found

John Donnable
&
Wm. G. Glover
The Plff moves for anew
trial because the Jury
found a contrary to Law
and evidence
25th March 1834
Motion overruled by the
Court
Tuesday Evening March
25th 1834
Ellis, for Plff

Cook & Ellis
vs
William Bryant
assumpsit
In this cause a
new trial, or rather a Motion to set a
side the verdict will be made, upon
affidavits filed.
Shortridge for Defts

Richard Jones
vs
Wiley Walker
In Chancery
The Defendant by his
counsel will move to
dissolve the Injunction & assume the
with the Case of it and answer. Shortridge for

John Gayle - Governor for the use of
Milly Walker as next friend to Eliza her infant daughter
vs
Francis R. Baker
Richard Jones

The Same
vs
Richard Jones
Felix Houpt

In the above causes a motion will be made to set aside the writ for informality -
March 25th 1834 -
Glover & May
Defts Attys

B Pope
vs
Morris Roberts

A motion will be made for a new trial on the Ground that the jury found contrary to law & evidence
March 26th 1834 S Martin atty for
Defts

~~A rule to be granted~~ ~~to~~ ~~security~~ ~~to be given or~~ ~~paid within~~ ~~sixty~~ ~~days or~~ ~~to stand~~ ~~dismissed~~

James Paul
vs
James Dunlap

attachment
The defendant moves to set aside the Judgment, for the following reasons
1st. The attachment was not levied and no return is made on the writ of attachment.
2d. The Cause of action is not indorsed on the writ as required by Statute.
3d. An attachment for a debt not due, cannot be sustained on a mere garnishment of a debt the statute authorizes it only on a levy on property.
4th. The Special Count in the declaration is -

contradictory and inconsistent, so that no
judgment can be lawfully rendered thereon.
4th The Common Counts are improper, and
insufficient to sustain the Judgment, the in-
debtedness therein being paid after suit
brought.
For which and other reasons the defe-
dant prays the Judgment may be arrested.

G. W. Stewart
atty for deft.

Cummings & Mason
vs
Wilson Whatley

The plaintiffs move that the
Sheriff stand as special bail in this ca
the Bail taken by him being insufficien

G. W. Stewart
atty for Plffs

Rule granted

September Term, Friday 19th
Sept 1834.

State
vs
Robert Bridges

The defendant
moves for a
trial, on the
following Grounds viz.
1st That the Indictment is contrary
Law and Evidence.
2nd The Judge has misstated
the Law as to the Means of

Judging of the credibility of the testimony.

Shortridge & Otho
Glover & May } Motion
New trial granted on the payment of costs.

Circuit Court Fall Term 1834

Charles Moorman
vs
Wm Y Glover } The Deft moves the Court for an order requiring the Plaintiff to give security for cost within 60 days in being a non resident.

John B Workman
vs
Amos McGinnis } The Plaintiff being a non resident the same motion is made in this case.

Joseph Eddins
vs
Turner Hamm } In this case the Plaintiff moves for a new trial on the ground that the finding of the jury is contrary to Law & evidence.
Wilson attorney overruled.

John Lockridge
vs
Richard Dennis jr & George Brooks } Security for cost is moved for as the Plff is a non resident
Shortridge D. J.

September Term 1894

John Logan
vs
Thomas Goodman

The plaintiff moves to set aside the Judgment in this Case and to reinstate the Cause on the docket.

G. N. Stewart
atto for Plff

Discharged

Copeland
vs
Olive

The plaintiff in this Cause moves that the Sheriff late Sheriff Shown be required to pay over to the plaintiff the amount of the Judgment out of the proceeds Collected by him from Sale of defendants property.

G. N. Stewart
atto for Plff

Continued.

11 Continued

Nicholson
vs
Olive

The plaintiff in this Cause moves that the late Sheriff Wm. J. Lynch be required to pay over to the plaintiff the amount of the Judgment out of the proceeds Collected by him from Sale of defendants property.

G. N. Stewart
atto for Plff

Continued.

11 Continued

The State

Jno. C. Ellis
et al.

The defendants Ellis and Webster move for a new trial on the ground that the verdict was not warranted by the evidence.

F. R. Stewart
atto. for defts.

Discharged

C. B. Beverly

Collin Bland

Thomas R. Bolling the bail moves to be discharged from any obligation as Bail in this Cause for reasons appearing on the record.

B. C. Wyatt
F. R. Stewart
attys for Bolling

Continued

Discontinued

The State

vs

Same

The court will hear motions for a new trial in the case found against both defendants

Ellis & Webb.

D. Morton

Discharged

Motion Docket March Term 1835

Robert Marsh
vs
Isaac Latham } The plff Robert Marsh moves for an order of sale for the N E ¼ of the S W ¼ of Sect 8 Town 24 Range 2 East the two fourths of Capt Latham, levied on to satisfy Lewis of a Justice of the peace. March 17th 1835
Motion Rejected of heretofore March —.

C C Hoffard endorsed
vs
Adam Leonard } On appearance docket —
The plaintiff takes Exception to the Sheriffs failing to take good & sufficient bail in the course of the suit in the above stated case and prays that the Sheriff be taken & held as Special bail for the said Defendant — said motion to be made on Monday of the second week of this present term of this court or as soon thereafter as the motion can be heard March 17th 1835.

Notice of the above motion received the 17th March 1835 H. Motion granted Wm Findley Clk

Isaac & Joseph
Wright & Mary Lacy
Merchants & Partners
vs
Isaac Philips } On appearance docket —
The plaintiff takes Exception to the Sheriffs failure to take good & sufficient bail of the Defendant in the above stated case & prays that the Sheriff be taken & held as Special Bail for the Defendant — Said motion to be made on Monday of the second week of the

present term of this court or to appear there
after on the motion can be heard
March 17th 1838 — Jno Anderson Atty

Notice of the above motion received 17th
March 1838 — Wm Findlay Sh Jeff

11. Motion granted

A D Bateman use of
Henry Burroughs } Motion against the Sheriff
vs
Thomas G Wood } The plaintiff in this case moves the
court to make an order that William Hinkley Sheriff of
Tuskaloosa County be held and bound at the special bail of the
defendant — Capias having been regularly issued by the writ
of Fieri Facias in this case & the said defendant William Hinkley
Sheriff as aforesaid having wholly neglected & refused to take
March 19th 1838

G. N. Stewart atty

I accept notice of the above motion March 19th 1838 —

Wm Findlay Sh Jeff

11. Motion granted

Spring Term 1835

Thursday March 19th 1835.

Suggs
vs
Poole & others } In Trespass

The defendants in this cause move for a new trial on the following grounds to wit.

First. The verdict of the Jury is contrary to Law and evidence.

Secondly. The damages assessed by the Jury are enormous, and at the first blush are from the facts outrageous & exceptive.

11- New trial refused Shipp & Peck for plaintiff

On Bonner & others
Bonner a&c &c
vs
Glover & Glover

take notice that the Court will be moved to set aside the Judgment & grant a new trial on the ground of mistake in the name of one of the plff in the declaration being entered for entered of John and also on the ground of surprise, the amount the declaration sets de

To Glover & May Ellis & Peck

11. Motion granted on the payment of the Costs of the term —

George Hyde
vs
Edward Sims } In this case the defendant moved the Court to grant a new trial on the ground that the verdict of the Jury is contrary to the law & evidence in the case.

11- New trial granted Wilson

Hoff
v
Dorrow } Slander

Take notice that the court will be moved to grant a new trial because the verdict of the jury is excessive, because the jury found contrary to the evidence

Ellis

11- To Mayo & Morton Esqrs
The Plff remit $2000 of the judgment &
Motion overruled
The State
v
Geo Chandler } Forgery

Take notice that the Court will be moved to arrest the judgment in this case
I because of the defectiveness of the record
II because the caption of the indictment charges & states that the said indictment was found at the March term of the Court thereof in the year of our Lord one thousand eight hundred and thirty three whereas the grand jury before the offence in said indictment is charged to have been committed

III Because the caption of the indictment is insufficient & insufficient

IV Because the indictment does not charge that the promissory note charged to have been forged it was to aver the payment or delivery of money or other article of value, or in discharge of any debt or demand

V Because the said indictment is insufficient uncertain & defective,

H. [redacted] forged Mid Pelt

March Term 1835.

Joseph L. Hogg
vs
Jno Dorroh
} Motion to set off.

The said Hogg moves the court to set off the so much of the amount of the Judgment rendered at this term against the said in the suit of Hogg vs Dorroh in slander as may be necessary to satisfy the Judgment rendered at the present term Dorroh vs Hogg for assault & Battery, & the plff offers to credit the Judgment recovered by him accordingly.

11. Motion granted as to the Damages but not Costs.

March 25. 1835

G. H. Stewart
P. Martin
P. H. May
} attys for J. L. Hogg

Milly Walker
vs
Edward S. Parish & Ch. Thorbridge
} In Eby.

The defendants in this cause move the court to discharge the recognizance & dismiss the Bill for want of Security — an answer is filed.

Thorbridge for defts.

Mason Boyd
vs
William Nichols
} On an order to sell real Estate.

In this matter Mason Boyd will move the court to instruct & cause the Sheriff to pay over the amount made by the sale of the lands directed to be sold under the rendition exposis.

To. Mosby Ellis & Peck & the Clerk of this County
} Thorbridge for Boyd.

James Chiles } appearpt
Nathan Tinsley }

The plaintiff moves for a new trial because the verdict of the Jury is contrary to law and evidence.

H. Motion Overruled

Bonnenger }
v } The court will be moved for a new trial for the following reasons the jury found a verdict against the evidence — affidavit is to be filed
Ewing }

Watson Ellis

H. A. Snow }
v } Motion for order to sell Lands levied on by virtue of an execution from Justice of the peace — as the property of James Corbin.
James Corbin }

Thurman, Atty

Miller & Richardson }
vs } a Motion is made to sell real estate
Martha Rutherford }
James Mars & H. J. Mars } levied upon by a constable — Leave taken
Shortridge for pltff

Jno Richardson & Son }
vs } a Motion is made
Mars & Hays } of the same kind as
the last above named — papers on file
Shortridge for pltff

Miller & Richardson }
vs } Motions as above —
Martha Rutherford } papers on file.
James Mars & H. J. Mars }
Shortridge for pltff

Miller & Richardson
vs
Martha Rutherford
James Mays & H. J. Sears
stable — see papers filed.

} a motion is made to sell real estate } clerical error by a com

Chas Bridges for plff

Waddy Edmonson adm
vs
Thos Cummings

} .....

The defdt moves that the plff be nonsuited because less was due when the suit was brot if any thing than the sum of fifty dollars - whereupon the court had no jurisdiction

G. Stewart
atty for defdt

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